



CRL.OP(MD) NO.5731 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.5731 of 2025

1. V.Muthupandi
2. M.Kalimuthu
3. C.Nedunchezian
4. M.Lakshmanan
5. Ganesan
6. K.Murugavalli

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No. 84/2009.

2. P.Suresh

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records call for the records pertaining to the proceedings in C.C No. 323 of 2009 pending on the file of the learned Judicial Magistrate, Melur and quash the same as illegal.



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For petitioners : Mr.H.Mahammed Farook

For Respondents : Mr. M.Vaikkam Karunanithi (R1)
Government Advocate (Crl side)

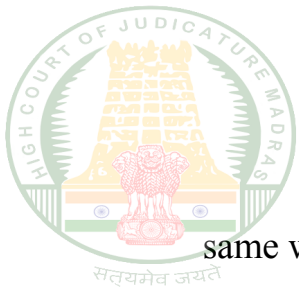
For R2 : Mr.A.Ajith Prakash

ORDER

This petition has been filed by the petitioners to call for the records pertaining to C.C.No.323 of 2009 on the file of the Judicial Magistrate, Melur for the offences under Sections 147, 148, 323, 324, 427, 506(ii) r/w 109 IPC, in Crime No.151 of 2009 and quash the same.

2. According to the petitioners, the petitioners and defacto complainant are relatives. Based on the complaint given by the defacto complainant, the police has registered FIR in Cr.No. 151 of 2009 for the offences under Sections 147, 148, 323, 324, 427, 506(ii) r/w 109 IPC.

3. When the matter was taken up for hearing, the learned counsel on both sides represented that during pendency of the case in C.C.No.323 of 2009, the matter has been amicably settled between the parties and to that effect, they have entered into a compromise and the



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same was filed before this Court.

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4.The learned Government Advocate (Crl.Side) would submit that apart from the defacto complainant, some other persons were also injured. One Gajendiran, LW2, who sustained injuries is not added as party to the proceedings. Hence, strongly oppose to allow the petition.

5.At this juncture, the learned counsel for the petitioner would submit that the said Gajendran is not residing in the address stated in the final report and his whereabouts is also not known. Even as per the prosecution, he only sustained simple injuries and the case is pending from the year 2009 onwards. Hence, prays to allow the petition.

6.Today, the defacto-complainant and all the petitioners are present and the Court enquired about the terms of compromise. The defacto-complainant represented that they entered into a compromise as they are relatives. A compromise memo, dated 26.03.2025 signed by the parties and their respective counsels, is also filed before this Court.



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7. This Court has perused the terms of the compromise

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8. Considering the nature of the offences, the relationship between the parties and the parties have also entered into a compromise, it is appropriate to allow this petition. Since one of the injured witness is not available in the locality and his whereabouts is also not known and he only sustained simple injuries and the matter has been settled with the defacto complainant, the absence of one of the injured witness no way affect the compromise.

9. In view of the same and recording the said compromise memo, this petition is allowed and C.C.No.323 of 2009 on the file of the Judicial Magistrate, Melur is quashed.

28.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PNM



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To

1.The Judicial Magistrate, Melur

2.The Inspector of Police,
Othakadai Police Station,
Madurai District. Crime No. 84/2009.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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P.DHANABAL,J

PNM

ORDER IN
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