



**Crl.O.P.(MD)No.14894 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 12.09.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD).No.14894 of 2025**

**and**

**Crl.M.P.(MD).Nos. 12099 & 12101 of 2025**

Mohamed Hussain

... Petitioner

**Vs.**

1.The State of Tamil Nadu Rep. by its  
The Inspector of Police,  
Madukkur Police Station,  
Thanjavur District. (Crime No.108 of 2008)

2.Ajmalkhan, S/o. Muhamesareef,

...Respondents

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023,  
To call for the entire records pertaining to charge sheet in P.R.C. No. 19 of 2023  
on the file of the Learned Judicial Magistrate, Pattukottai, Thanjavur District  
and Quash the same in so far as the petitioner concerned.

|                |                                                           |
|----------------|-----------------------------------------------------------|
| For Petitioner | : Mr.Seeni Sulthan                                        |
| For R-1        | : Mr.R.Meenakshi Sundaram<br>Additional Public Prosecutor |
| For R-2        | : Mr.B.Gokul                                              |

**ORDER**

The petitioner has sought for quashing of the impugned final report in  
P.R.C.No.19 of 2023 on the file of the Judicial Magistrate, Pattukottai,  
Thanjavur District.



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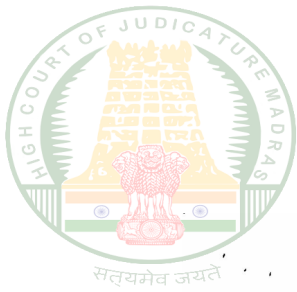
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2. The allegation against the petitioner is that due to money dispute, the petitioner and other accused had abused the defacto complainant in filthy language and attacked him with deadly weapons and caused injuries to him.

3. The learned counsel for the petitioner would submit that the petitioner at the time of occurrence, the petitioner was a juvenile and his date of birth is 14.12.1992. The learned Additional Public Prosecutor confirms that the petitioner was a juvenile.

4. The learned counsel for the petitioner and the learned counsel for the defacto complainant/the second respondent would submit that the parties have now entered into a compromise and both the parties have agreed that the impugned final report may be quashed.

5. The parties have also filed a joint compromise memo dated 8<sup>th</sup> August 2025 as well as the affidavit of the defacto complainant / second respondent. The scanned copy of the compromise memo reads as follows:



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IN THE HIGH COURT OF JUDICATURE MADRAS AT  
MADURAI BENCH

(Criminal Original Jurisdiction)

Crl. O.P.(MD)No. 14894 of 2025  
in

P.R.C.No. 19 of 2023

(On the file of Learned Judicial Magistrate Court,  
Thanjavur District)

Mohamed Hussain (M/33/2025),  
S/o.Jahir Hussain  
No.30B, Periyar Nagar,  
Madukkur,  
Pattukottai Taluk,  
Thanjavur District. --- Petitioner/Accused No. 3

-Vs-

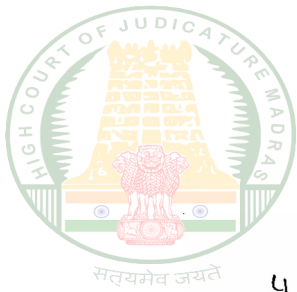
1. The State of Tamil Nadu Rep. by its  
The Inspector of Police,  
Madukkur Police Station,  
Thanjavur District.  
(Crime No:108 of 2008) --- 1<sup>st</sup> Respondent/Complainant
2. Ajmalkhan, (M/48/2025),  
S/o.Muhamedsareef,  
No.80B, Keelakadu,  
Sivakollai, Madukkur,  
TThanjavur District --- 2<sup>nd</sup> Respondent/Defacto-  
Complainant

Petitioner/Accused No. 3

2<sup>nd</sup> Respondent/ Defacto-Complainant

*[Signature]*

x *[Signature]*  
M. *[Signature]*



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**JOINT COMPROMISE MEMO**

1. The Petitioner/Accused No.2 and the 2<sup>nd</sup> Respondent would jointly submit that the Respondent police has registered a case against the Petitioner/Accused No.2 and other 4 co accused persons for the alleged offences u/s.294(b), 342, 324 and 506(ii) IPC in Crime No. 108 of 2008 dated 06.03.2008 based on the complaint given by the Defacto-Complainant. Subsequently the respondent police by the way of a Special report dated 08.03.2008 altered the case as into 147, 148, 294(b), 342 and 307 IPC. Thereafter on completion of investigation the respondent police filed a charge sheet before the Learned Judicial Magistrate, Pattukottai in P.R.C.No. 33 of 2009 against 5 accused persons in which the Petitioner was shown as A3. Since the Respondent Police could not serve summon on the Petitioner and other co accused person deceased Haja Maideen (A1), the Petitioner's case was as split up from the case of other accused persons and separate P.R.C.Number was assigned to the Petitioner's case as P.R.C.No.19 of 2023.

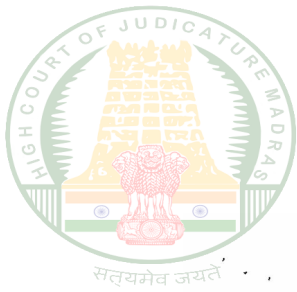
2. The petitioner submits that in the above P.R.C.case, as of now, the Petitioner is alone arrayed as accused and another co accused person Haja Maideen died in the year 2022.

**Petitioner/Accused No. 3**

*[Signature]*

**2<sup>nd</sup> Respondent/ Defacto-Complainant**

*X [Signature]*  
*Mr. [Signature]*



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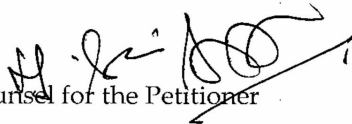
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5. The petitioner submits that such compromise has been taken place purely with an intention to settle their dispute among them and it is purely voluntary by the parties concerned. Hence, in order to avoid further ordeal of trial before the Trial Court, they are preferred to be present before this Hon'ble Court whenever it is required. This Hon'ble Court by taking into consideration of the above said aspects with regard to the compromise and in the interest of the parties, can leniently look into the present issue, as such the prayer sought for by the Petitioner can be allowed.

It is therefore prayed that the Petitioner/Accused No. 3 and the 2<sup>nd</sup> Respondent jointly pray that this Hon'ble Court may be pleased to take into consideration of the present Joint Compromise Memo and quash the charge sheet in P.R.C.No. 19 of 2023 pending on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District and thus render Justice.

Dated at Madurai on this 2<sup>nd</sup> day of August, 2025

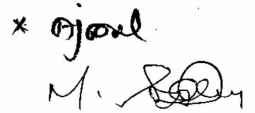
  
Counsel for the Petitioner

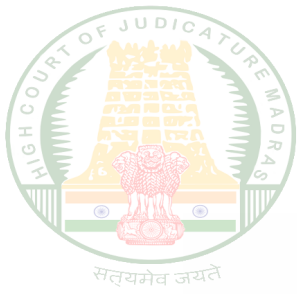
  
Counsel for the 2<sup>nd</sup> Respondent

Petitioner/Accused No. 3

2<sup>nd</sup> Respondent/ Defacto-Complainant



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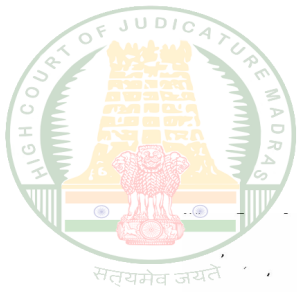
3. The petitioner submits that he was juvenile and only 15 years old on the date of occurrence. In order to substantiate the age of the Petitioner, he enclosed his birth certificate and S.S.L.C. Mark sheet. In such circumstances, the respondent police ought to have filed the charge sheet against the Petitioner before the concerned juvenile forum and not before the learned Judicial Magistrate who has no jurisdiction to conduct trial of case related to juveniles. Further apart from legal aspect, the Petitioner and the 2<sup>nd</sup> respondent / Defacto-Complainant amicably settled the dispute by way of compromise. The said compromise was arrived at the instance of friends and relatives without any force or coercion and the compromise was effected out of free consent of parties.

4. The Petitioner/Accused No.3, and the 2<sup>nd</sup> Respondent would jointly submit that the matter has been compromised between both of them with intervention of the mediator and well-wishers of both sides without any inducement made by others. The Defacto Complainant has specifically admitted that he has no objection to quash the charge sheet in P.R.C.No. 19 of 2023 pending on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District.

**Petitioner/Accused No. 3**

**2<sup>nd</sup> Respondent/ Defacto-Complainant**

x



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IN THE HIGH COURT OF JUDICATURE MADRAS AT  
MADURAI BENCH  
(Criminal Original Jurisdiction)  
Crl. O.P.(MD)No. 14894 of 2025  
in  
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(On the file of Learned Judicial Magistrate Court,  
Thanjavur District)

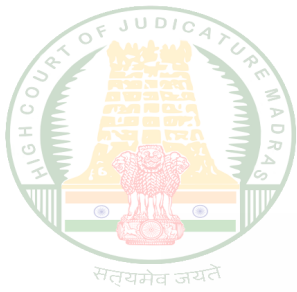
Mohamed Hussain (M/33/2025),  
S/o.Jahir Hussain  
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Pattukottai Taluk,  
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No.80B, Keelakadu,  
Sivakollai, Madukkur,  
TThanjavur District --- 2<sup>nd</sup> Respondent/Defacto-  
Complainant

**AFFIDAVIT OF 2<sup>ND</sup> RESPONDENT/ DEFACTO COMPLAINANT**

I, Ajmalkhan, S/o.Muhamedsareef, Muslim, aged about 48 years,  
residing at No.80B, Keelakadu, Sivakollai, Madukkur, TThanjavur  
District now temporarily come down to Madurai, do hereby  
solemnly affirm and sincerely states as follows:-

M. [Signature]



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1. I submit that I am the 2<sup>nd</sup> respondent herein and Defacto-Complainant and as such I am well acquainted with the facts and circumstances of the case.

2. I humbly submit that the petitioner/accused No.3 has preferred this memorandum criminal original petition seeking a relief sought for quash the Charge Sheet in P.R.C.No. 19 of 2023 pending on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District and at present I have entered into compromise and settled the dispute amicably.

3. I submit that I am the Defacto-Complainant in the above said case and now I do not want to proceed the case further as against the petitioner and I have entered into the compromise, thus I have no objection to quash the proceedings as against the petitioners.

Therefore it is prayed that that this Hon'ble Court may be pleased to accept my affidavit and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render Justice.

x *[Signature]*  
M. *[Signature]*

Solemnly affirmed at Madurai this the 8<sup>th</sup> day of August, 2025 the contents of this affidavit were read out and explained in Tamil to the deponent and after understanding the same he signed his name in my presence

BEFORE ME

*[Signature]*  
R. Prasan Kumar B. C. B.  
3881/19  
ADVOCATE, MADURAI  
134, *[Signature]*  
Plus Law Office  
805, *[Signature]*  
1010 do 4980



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**WEB COPY** 6. The petitioner (Aadhaar No.3216 9531 5968) and the second respondent (Aadhaar No.5772 8034 2342) are present before this Court in person. They are identified by Mr.K.Rajagopal, S.S.I., Madukkur Police Station. Both the parties confirmed the compromise arrived at between them.

7. Considering the nature of allegation, the fact that the petitioner was a Juvenile at the time of occurrence and since the parties have arrived at a compromise, this Court is of the view that no useful purpose would be served by keeping the impugned final report pending trial. Accordingly, the impugned final report in P.R.C. No. 19 of 2023 on the file of the Judicial Magistrate, Pattukottai, Thanjavur District, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

**12.09.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
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***Crl.O.P.(MD)No.14894 of 2025***

**SUNDER MOHAN, J.**

LS

To

- 1.The Judicial Magistrate,  
Pattukottai,  
Thanjavur District.
2. The Inspector of Police,  
Madukkur Police Station,  
Thanjavur District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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**12.09.2025**

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