



Crl.O.P.(MD)No.20379 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :25.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.20379 of 2024
and Crl.M.P.No.12602 of 2024

Sabarish

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Kottar Police Station,
Kottar,
Kanyakumari District.
(Crime No. 270 of 2023)

2. Ganesh

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records in connection with
C.C.No. 100 of 2024 on the file of the Judicial Magistrate No.II, Nagercoil,
Kanyakumari District and quash the same as devoid of merits and illegal.

For Petitioner : Mr. A.D.Ganeshamoorthi

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

For R2 : Mr. K.Vetrimani



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ORDER

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This petition has been filed by the petitioner / Accused No.2 to call for the records in connection with C.C.No.100 of 2024 on the file of the Judicial Magistrate No.II, Nagercoil, Kanyakumari District and quash the same.

2. The prosecution case is that the the petitioner and accused no.1 stolen the Tempo Traveller Van bearing registration No.TN-74-Q-5477 owned by the defacto complainant / second respondent and thereby, the second respondent lodged a complaint. Based on that complaint, F.I.R has been registered in Crime No.270 of 2023 for the offence under Sections 379 of Indian Penal Code, 1860 and thereafter, the matter has been elaborately investigated and after investigation, the final report has been filed as against the petitioner. Now the case is pending for trial. At this stage, the petitioner has filed this quash petition.

3. When the matter was taken up for hearing, the learned Counsels on both sides represented that the matter has been amicably settled between the parties and they have entered into a compromise and the same was filed before this Court.



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4. This Court also enquired the petitioner as well as the defacto complainant, who are present in the Court and they have no objection to quash the petition since they have entered into a compromise.

5. This Court has perused the terms of the compromise memo dated 18.11.2024.

6. In view of the terms of compromise entered into between the parties and considering the nature of offence, the pending proceedings in C.C.No.100 of 2024 on the file of the Judicial Magistrate No.II, Nagercoil as against the petitioner who is the second accused is liable to be quashed.

7. In the result, this Criminal Original Petition is allowed and C.C.No.100 of 2024 on the file of the Judicial Magistrate No.II, Nagercoil is quashed. The compromise memo, dated 18.11.2024 filed by the parties shall form part of this order. Consequently, connected criminal miscellaneous petition is closed.

25.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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<https://www.mhc.tn.gov.in/judis>



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P. DHANABAL, J.,

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To

1. The Inspector of Police,
Kottar Police Station,
Kottar,
Kanyakumari District.

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

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