

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD)No.15568 of 2025

1.Ajit Kumar

2.Ruban

3.Benshiyam @ Ben Sham

... Petitioners/A1, A3 & A4

Vs.

1. The State of Tamil Nadu
Rep. by The Inspector of Police,
Colachel Police Station,
Kanyakumari District.

2.Alvin Tharmaraj @ Albin Dharmaraj

3.Alvin Jose @ Alwin Jose

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023,
to call for the records of the impugned charge sheet in C.C.No.244/2021 on
the file of Judicial Magistrate, Eraniel and quash the same.

For Petitioner : M/s.M.P.Roniga

For R 1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 & R3 : Mr.D.Packiaraj



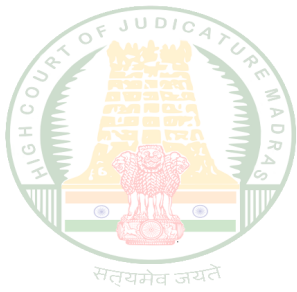
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ORDER

This petition has been filed to quash the impugned charge sheet filed for the offence under Sections 294(b), 323, 324, 326 and 506(ii) IPC in C.C.No.244 of 2021 on the file of the learned Judicial Magistrate, Eraniel.

2. The allegation in the final report is that due to previous enmity, the petitioners entered into the Colachel Government Hospital where the defacto complainants were taking treatment for earlier injuries and abused them in filthy language, attacked them with helmets and hands and caused injuries and thus committed the aforesaid offence.

3. In this regard, the petitioners and the respondents 2 &3 have now entered into a compromise and decided to give a quietus to the entire dispute. The parties have filed a joint compromise memo dated 17th September, 2025 and the scanned copy of the compromise memo reads as follows:



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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
AT MADURAI
(Criminal Jurisdiction)**

Crl.O.P.(MD) No.15568 of 2025

Against

C.C.No.244 of 2021

(On the file of the Judicial Magistrate, Eraniel)

1. Ajith Kumar (28/2025)
S/o. Francis @ Francis Xavier,
17-2, Pilla Vilai, Kallukottam,
Kanyakumari District
2. Ruban, (37/2025)
S/o. Ponnaiyan,
No.1/161-1, Thavoor,
Lekshmepuram Post,
Kalkulam,
Kanniyakumari District
3. Benshiyam @ Ben Sham, (28/2025)
S/o. Sam Selvin,
No.17/9, Pilla Vilai, Kallukottam,
Kanyakumari District

..... Petitioners/Accused 1,3,4

-Vs-

1. State through the Inspector of Police,
Colachel Police Station,
Kanyakumari District
2. Alvin Tharmaraj @ Albin Dharmaraj,
S/o. Dhasan @ Maryathason,
No.16/97, Nedumanithottam,
Pilla Vilai, Kalkulam,
Kanyakumari District
Kanyakumari District

.... 1st Respondent/Complainant

.... 2nd Respondent/Defacto Complainant

1. F. Ajith Kumar

2. Ruban

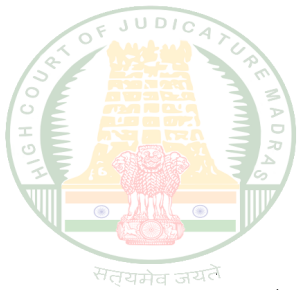
3. Benshiyam

1. M. Alvin Paul Raj

2. G. Alvin Jose

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No. of Corrections: Nil



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3. Alvin Jose @ Alwin Jose,
S/o. Chelladurai
15-86, A Nedu Villai,
Kalkulam, Kallukottam,
Kanyakumari District

.... 3rd Respondent/Injured

JOINT COMPROMISE MEMO

1. It is submitted that the petitioners are filing this petition for quash the final Report filed by the 1st Respondent in S.C.No.244 of 2021 for the offences under sections 294(b), 323, 324, 506(2) and 326 of IPC.
2. The allegation stated in the final Report is that on 17.09.2019 at about 8.30 p.m., when the injured 2nd and 3rd Respondents were at Colachel Government Hospital for treatment of earlier injuries sustained by one Kingsly in a village quarrel, the Petitioners came there, abused them in filthy language, and attacked them with helmets and hands, causing bleeding and grievous injuries. The Petitioners also criminally intimidated the 2nd and 3rd Respondent, threatening to kill them if they pursued the matter, and then fled the spot. Hence the 1st Respondent the police registered Crime No.226/2019 under Sections 294(b), 323, 324, and 506(ii) IPC. Thereafter investigation was completed the case has been charge sheeted in C.C.No.244 of 2021 under sections 294(b), 323, 324, 326 and 506(ii) IPC on the file of Judicial Magistrate, Eraniel. This Petitioners arrayed as Accused 1,3,4.
3. It is submitted that the petitioners and the 2nd and 3rd Respondents have decided to bury their hatchet and compromise the dispute amicably among themselves. In this circumstance the 2nd respondent is not willing to proceed further against the petitioners this stated S.C.No.244 of 2021.

1. F. Ajith Kumar

2. Ruban

3. Benshiya

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No. of Corrections: Nil

1. Mr. Alwin Paulraj

2. C. Alwin Jose



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



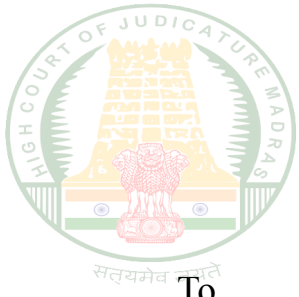
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4. The petitioners namely i) Ajith Kumar(Aadhar No.8386 1958 4060), ii) Ruban(Aadhar No.7864 7314 6541) &(iii) Benshiyam(Aadhar No. 4234 1460 1862) and the defacto complainant/2nd respondent(Aadhar No. 4069 615 4500) and the injured/3rd respondent (Aadhar No.9735 5013 8659) are present before this Court in person. They are identified by Mr.M.Paulraj, SSI, Colachel Police Station, Kanniyakumari District. All the parties confirmed the compromise arrived at between them.

5. In view of the compromise arrived at between the parties and the nature of allegations and the relationship between the parties, this Court is of the view that no useful purpose would be served in keeping the impugned final report pending in the trial Court. Accordingly, the final report in C.C.No. 244 of 2021 on the file of the learned Judicial Magistrate, Eraniel, is quashed and this Criminal Original Petition is allowed.

18.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PJJ



To

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

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



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SUNDER MOHAN, J.

PJL

Crl.O.P(MD)No.15568 of 2025

18.09.2025