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A.S.(MD)NO.525 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

A.S.(MD)No.525 of 2025 AND

C.M.P.(MD)No.19759 of 2025

A.Le Prince Consal

... Appellant / 1st Respondent/
1st Defendant

Vs.

1. A.Dominic Prabhu

... 1st Respondent / Petitioner /
Plaintiff

A.Mary(deceased)

2. A.Melbin Jaya

3. A.Lerins Geetha

4. A.Jaroma Lalitha Bai

5. A.Moris Jayasudha

6. A.Sagaya Ezhilkani

... Respondents / Respondents 3 to 7/
Defendants 3 to 7

7. The Inspector of Police,
Thattarmadam police station,
Sathankulam,
Thoothukudi District.

(R-7 is suo motu impleaded vide
order dated 11.02.2026.)

... Respondent

Prayer: Appeal suit filed under Section 96 CPC. r/w. Order 41
rule 1 CPC., to set aside the (final decree) judgment and decree dated



25.04.2025 passed in I.A.No.2 of 2022 in O.S.No.57 of 2014 by the learned II Additional District Judge, Thoothukudi in its entirety and allow this appeal.

For Appellant : Mr.C.Ramesh

For Respondents : Mr.Ali Hassan Khan for R-1 to R-6.

Mr.Gnanasekaran,
Government Advocate for R-7.

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

This appeal arises out of the suit for partition. The first defendant in O.S.No.57 of 2014 on the file of the II Additional District Judge is the appellant herein. Preliminary decree was passed on 25.04.2025. Challenging the same, this appeal has been filed with the delay of 2000 days. AS(MD)No.SR88340 of 2025 (ie.) A.S.(MD)No.525 of 2025 has been filed against the final decree.

2. We requested the parties to settle their issues and arrive at compromise. The parties have filed a joint compromise memo dated 10.02.2026. It has been signed by the learned counsel as well as the parties. The parties also appeared before us in person.



3. It is seen that during the pendency of these proceedings, case and counter case were registered. Since the parties have amicably resolved the issue between themselves, allowing the criminal prosecution to continue would amount to abuse of process. We, therefore, by exercising jurisdiction under Section 528 BNSS and Article 226 of the Constitution of India, quash the FIRs in Crime Nos. 143 and 164 of 2025 on the file of Thattarmadam police station. The plaintiff/ first respondent herein is permitted to withdraw a sum of Rs.98,000/- together with accrued interest deposited by him to the credit of O.S.No.57 of 2014 on the file of II Additional District Judge, Thoothukudi. The impugned final decree is modified and this appeal is disposed of in terms of the compromise memo dated 10.02.2026. It shall form part of the decree. This appeal suit is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)

11th February 2026

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

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A.S.(MD)NO.525 OF 2025

G.R.SWAMINATHAN, J.

AND

R.KALAIMATHI, J.

PMU

To:

1. The II Additional District Judge,
Thoothukudi.
2. The Inspector of Police,
Thattarmadam police station,
Sathankulam,
Thoothukudi District.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

A.S.(MD)No.525 of 2025

11.02.2026



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