



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

CRL.O.P(MD)No.7760 of 2015

WEB COPY

Sangaiah

... Petitioner/Sole Accused
Vs.

1.The State,

Rep. By the Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.

... 1st Respondent/Complainant

2.S.Kathirvel

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1908 praying to call for records pursuant to the FIR in Crime No.165 of 2015 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.G.Thalaimutharasu

For R - 1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

For R - 2 : Mr.M.Mohankumar

ORDER

This Criminal Original Petition has been filed praying to call for records pursuant to the FIR in Crime No.165 of 2015 on the file of the first respondent Police and quash the same.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The petitioner is the sole accused, who is the driver of the second respondent and the defacto complainant, who is the owner of the lorry, has lodged a complaint that the lorry was missing and a case has been registered in Crime No.165 of 2015 for the alleged offence under Section 379 of the Indian Penal Code.

4. When the matter is taken up for hearing, a joint memo of compromise has been filed by both parties and it is also signed by both the parties and counsels, wherein in paragraph Nos.2 and 3 it is stated as follows:-

"2. The petitioner humbly submits that the first respondent registered the case against the petitioner based on the complaint of the second respondent for the offence under Section 379 IPC. The petitioner is working as driver under the second respondent herein. On 16.02.2015, the petitioner got an offer to take the load for nearby State and he could not contact the second respondent over phone.



Hence, he took the lorry for transporting the goods. But the second respondent without knowing the above facts lodged a complaint before the first respondent police as if his lorry was missing. When the petitioner returned after finishing the trip, the second respondent came to understand the above facts and realized the innocence of the petitioner and he is not willing to proceed further with the above case.

3.It is further submitted that now the petitioner and the second respondent settled the issue amicably and compromise arrived between both the parties and therefore, this Honourable Court may be pleased to accept this compromise memo and pass appropriate orders."

5. The petitioner as well as the second respondent are also present before this Court. The said joint memo of compromise is taken on record.

6. Considering the said averments and also going through the records, this Court is of the view that it is a fit case for quashing Crime No.165 of 2015.

7. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.165 of 2015 on the file of the first respondent Police is quashed.

Sd/-

Assistant Registrar(Per.Admn.)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.

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

+1cc to Mr.G.Thalaimutharasu,Advocate, SR.No.23500

CRL.O.P (MD) No.7760 of 2015
29.04.2015

ps

PA/08.05.2015/2P/4C