



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.8335 of 2015

WEB COPY

1.G.Pakalavan

2.G.Jagan

...Petitioners/Accused 1 & 2

Vs.

1.The State,

Rep. By the Inspector of Police,
Karuppayurani Police Station,
Madurai District.

... 1st Respondent/Complainant

2.P.Sethu

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for records on the file of the first respondent Police in Crime No.164 of 2013 for the offences under Sections 294(b) and 324 of the Indian Penal Code and to quash the same.

For Petitioners: Mr.J.Vijayaraja

For R - 1 : Mr.K.Anbarasan

Government Advocate (Crl. Side)

For R - 2 : Mr.Edin Brough

ORDER

This Criminal Original Petition has been filed praying to call for records on the file of the respondent Police in Crime No.164 of 2013 for the offences under Sections 294(b) and 324 of the Indian Penal Code and to quash the same.

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

3.The petitioners are arrayed as accused Nos.1 and 2 in Crime No.164 of 2013 for the alleged offences under Sections 294(b) and 324 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.3 to 5 it is stated as follows:-

"3.We hereby respectfully states that in order to maintain peace and harmony in the family relationship the second respondent agreed for this compromise petition and hence the present charges in the FIR is to be quashed and with great respect states that the pendency of the present criminal case breaks the harmony and peacefulness of the present relationship between us.

4.We hereby with great respect submit that we both with the instance of our elder family members entered into



compromise as no purpose is going to be served in conducting the present criminal case, wherein, in turn it will spoil the carrier of the petitioners who are the fresh Engineering students and hence we file the present petition.

5. We hereby submit that with our full consciousness, without any coercion or compulsion, enter into the present compromise memo, by which, the second respondent namely Sethu, Son of Pandian hereby withdraws the entire allegation as posed upon the petitioners herein in the said criminal case and as such, the second respondent renders her concurrence to quash the entire criminal case to reach the ends of justice. It is also decided between us that on quashing the FIR, there will be no continuation of any proceeding between the entire parties in future."

5. The second 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 to quash Crime No.164 of 2013.

7. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.164 of 2013 on the file of the first respondent Police is quashed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Karuppayurani Police Station,
Madurai District.

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

+1CC to M/s.J.Vijayaraja, Advocate in SR.23313

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29.04.2015

ps

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