

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. No.22282 of 2016 & Crl.M.P. No.10344 of 2016

N. Veerasamy

Petitioner

vs.

- 1 State of Tamil Nadu  
represented by Inspector of Police  
Anupparpalayam Police Station  
Tiruppur District  
(Crime No.49 of 2014)

- 2 A.R. Lakshmi Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records in FIR in Crime No.49 of 2014 on the file of the first respondent and quash the same.

For petitioner Mr. N.S. Sivakumar

For R1 Mr.C.Emalias, Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records in FIR in Crime No.49 of 2014 on the file of the first respondent and quash the same.

2 On the complaint of A.R. Lakshmi, the second respondent herein, the first respondent police registered a case in Crime No.49 of 2014 under Section 468, 471 and 420, IPC against one Veerasamy, for quashing which, Veerasamy has filed this Criminal Original Petition on the ground that he and the second respondent/de facto complainant have arrived at a compromise.

3 Today, both Veerasamy and Lakshmi are present and they are identified by Mr.V. Selvaraj, Head Constable, Anupparpalayam Police Station, who is also present before this Court.

4 Lakshmi has filed an affidavit dated 30.07.2016, wherein, she has stated as follows:

"5. I submit that in a suit filed by me before the Court of Principal District Judge in O.S. No.317 of 2013 for enforcement of the sale agreement, a compromise was arrived between me and the petitioner herein before the court attached Lok Adalat, Tiruppur on 14.03.2015 and reached a consensus and the petitioner had repaid the advance amount and signed the settlement agreement and the above suit was disposed of recording compromise on the same day. Pursuant to the same, a Memorandum of Understanding has been entered on 05.11.2015 in terms of the above settlement, wherein, I have agreed to withdraw the FIR in Crime No.49 of 2014.

6. I submit that the offence u/Ss.468, 471, 420 IPC is non-compoundable in nature and it falls out of purview of Section 320 of Cr.P.C. I do not want to prosecute the criminal case in view of the term of compromise in order to restore peace and betterment of our future. The copy of the Memorandum of Understanding dated 05.11.2015 is filed along with the typed set of papers may be treated as part and parcel of this affidavit. Hence, I am approaching this Hon'ble Court invoking Section 482 of Cr.P.C. to compound the offences."

In view of the above, the proceedings in Crime No.49 of 2014 is hereby quashed and this Criminal Original Petition is allowed on payment of costs of Rs.5,000/- by the petitioner to the Director, Tamil Nadu State Judicial Academy, Chennai, within a period of two weeks from the date of receipt of a copy of this order. Connected Crl.M.P. is closed.

Sd/-

Asst.Registrar (CS II )

/true copy/

Sub Asst. Registrar

cad

To

1 The Inspector of Police  
Anupparpalayam Police Station  
Tiruppur District

2 The Public Prosecutor  
Madras High Court, Chennai 600 104

3 The Director  
Tamil Nadu State Judicial Academy  
Greenways Road, Chennai 600 028

1 cc to M/s.N.S. Sivakumar, Advocate, Sr. 59755

CrI.O.P. No.22282 of 2016

CP (CO)  
kk 18/11



WEB COPY