



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2016

CORAM

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.15429 of 2015

WEB COPY

1 A.Jaffer Ali
2 K.Thammem Ansari
3 A.Mohammed Yusuf
4 Farith
5 Mahaboob Ali
6 Akbar Ali

..Petitioners/Accused

Vs.

1 The Inspector of Police
E-3 Police Station, Anna Nagar,
Madurai City.

2 M.Selvakumar

..Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the First Information Report in Crime No.271 of 2015 registered u/s.147, 148,324, and 506(ii) of IPC on the file of the respondent No.1 dated 17/02/2015 and quash the same.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents: Mrs.Prabha for R1

Government Advocate(Crl.side)

Mr.M.J.Arjunvarman for R2

ORDER

This petition has been filed to quash the case in FIR No.271 of 2015.

2. On the complaint lodged by Selvakumar, the respondent police registered a case in Crime No.271/2015 on 17.02.2015 for offences under Sections 147, 148, 324, and 506(ii) IPC against the petitioners herein. During the course of investigation, the petitioners and the de-facto complainant appeared to have arrived at a compromise and they have entered into a compromise agreement dated 03.08.2015, under which, the de-facto complainant agreed for quashment of the case in Crime No.271/2015. Based on that, the present petition has been filed.

3. When the case was taken up for hearing on 04.04.2016, only the petitioners were present and the de-facto complainant was not present. Therefore, this Court directed the respondent police to produce the de-facto complainant. Today, the petitioners are present and the de-facto complainant is present. They are identified by the respondent police. The de-facto complainant informed this Court that though he had arrived at a compromise with the petitioners on 03.08.2015, yet, on account of the conduct of the petitioners, he is withdrawing his consent and that he wants the investigation to proceed with in the case.



4. Under such circumstances, this court cannot force the de-facto complainant to adhere to the Memorandum of Understanding, which he has executed earlier.

5. Recording the same, this petition is dismissed with liberty to the petitioners to work out their remedy in the manner known to law.

sd/-

Assistant Registrar(CS-II)

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 The Inspector of Police,
E-3 Police Station, Anna Nagar,
Madurai City.

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

+1. CC to M/S.T.Lajapathi Roy, Advocate in SR.No.20233

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rr.

PBK/AAL-MPA 04/05/2016 ::2P-4C::