



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.S.RAVI

Cr1.O.P.(MD) No.3628 of 2016

1.Khader @ Khader Shakib  
2.Prakash Raj  
3.Wasim @ Ahamed Wasim  
4.Jiyarudeen @ Mohammed Jiyavudeen  
5.Sheik Ahamed @ Sheik Mohammed

... Petitioners /  
Accused Nos.1 to 5

vs.

1.State, rep.by  
The Inspector of Police  
Koodalpudur Police Station  
Koodalpudur, Madurai  
(Crime No.178 / 2016)

... 1<sup>st</sup> Respondent /  
Complainant

2.K.Sivakumar

... 2<sup>nd</sup> Respondent /  
De facto complainant

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the records in F.I.R., in Crime No.178 of 2016, on the file of the 1<sup>st</sup> respondent and quash the same.

For Petitioners : Mr.D.S.Haroon Rasheed  
For Respondents : Mr.P.Kandasamy  
Government Advocate (Cr1.Side) for R1  
Mr.A.Balaji for R2

#### O R D E R

This petition has been filed seeking to quash the case registered in Crime No.178 of 2016, on the file of the first respondent Police, pursuant to the amicable settlement effected between the parties.

2. When the matter is taken up for hearing, the petitioners / accused and the second respondent, appeared in person and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the Government Advocate (Criminal Side). Learned counsel appearing for the parties also endorsed the identify of their respective parties.

3. It is stated in the affidavit that on 07.02.2016, at about 04.00 p.m., when the second respondent / de facto complainant was working in his fruit shop, the first petitioner / first accused, who is working in the adjacent fruit shop, along with other petitioners / accused 2 to 5 had attacked the second respondent / de facto complainant due to business



motive, since the second respondent / *de facto* complainant sold fruits for meager amount than the first petitioner / first accused. After the said incident, the petitioners / accused and the second respondent / *de facto* complainant have compromised the matter by way of amicable negotiations in the presence of the mediators and members of Fruit Shops Association, vide compromise agreement, dated 18.02.2016 and both the parties have mutually agreed to withdraw the case in Crime No.178 of 2016, on the file of the first respondent Police. The petitioners 2 to 5 / accused 2 to 5 are students and they are studying in various Colleges. By virtue of the said compromise agreement, the petitioners / accused and the second respondent / *de facto* complainant approached the first respondent Police to drop the further proceedings in Crime No.178 of 2016, but the first respondent refused to accept the same. Therefore, the petitioners / accused have approached this Court by filing this criminal original petition seeking the relief as stated above.

4. The petitioners / accused and the second respondent / *de facto* complainant filed a joint compromise memo, signed by all the parties herein as well as their respective counsel, wherein they have stated that:

"1) The petitioners and the 2<sup>nd</sup> respondent submit that at the instance of the 1<sup>st</sup> respondent the above said case has been registered against the petitioners for an alleged punishable offence U/sec 147, 294(b), 324, 427 & 506(ii) I.P.C. and when it was about to be adjudicated, the 2<sup>nd</sup> respondent voluntarily come forward to have an amicable negotiations, as a result of which the present compromise memo for quashing the above said case.

2) The petitioner and the 2<sup>nd</sup> respondent further submit that during the pending of the proceedings, at the intervention of the elders, both the parties have set together in which amicable conclusion has been arrived at and one part of conclusion, the 2<sup>nd</sup> respondent has agreed to say no objection for the purpose of quashing the present criminal proceedings.

3) The petitioner and the 2<sup>nd</sup> respondent further submits that both are doing the business in the very same locality for which such compromise have been taken place purely with an intention to prevent the unwanted and a new dispute because of registration of F.I.R. It is purely and voluntarily by the parties concern. Hence, in order to avoid further ordeal of trial before the trial court, they preferred to be present before this Hon'ble Court whenever it is required. This Hon'ble Court by taking into consideration of the above said aspects with regard to the compromise and in the interest of the parties, can leniently look into the present issue. As such the prayer as sought for, by the petitioner can be allowed.

Therefore it is prayed that the petitioner as well as the second respondent jointly prayed that this Hon'ble Court may be pleased to take into consideration of the present joint compromise memo and



quash F.I.R. in crime No.178/2014 on the file of the 1<sup>st</sup> respondent police and thus render justice."

5. The learned counsel appearing for the petitioners / accused has submitted that in the similar circumstances, in *Y.Suresh Babu vs. State of Andrapradesh*, reported in 2005 (1) SCC 347 and *Mahesh Chand and another vs. State of Rajasthan*, reported in 1988 AIR 2111, the Hon'ble Apex Court has allowed to compound the cases even though they are non-compoundable in the nature for the offences punishable under Sections 307, 326 I.P.C. Further, the Hon'ble Apex Court has ruled out that the High Courts, in exercise of inherent power, can quash the criminal proceedings or F.I.Rs., or complaints in appropriate cases in order to meet the ends of justice.

6. Considering the facts and circumstance of the case and also taking into account the joint memo of compromise, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings, in Crime No.178 of 2016, on the file of the first respondent Police in respect of the petitioners / accused, are hereby quashed.

7. Accordingly, this criminal original petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo shall form part of this Order.

Sd/-

Assistant Registrar (CO Dept.)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police,  
Koodalpudur Police Station,  
Koodalpudur, Madurai.

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

+1 CC to Mr.D.S.HAROON RASHEED, Advocate, SR No.11742

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SH/SK-SKN:16.03.2016:3P/4C