

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 09.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.OP.(MD)Nos.10345 and 10346 of 2017CRL.OP.(MD)No.10345 of 2017

1.Iyyappan

2.Selvan

3.Manikaraj

...Petitioners/Accused No. 1 to 3
Vs.

The State, through

1.The Inspector of Police,
Panagudi Police Station
In Crime No.383/2016,
Tirunelveli District

....Respondent/Complainant

2.Ganesan

...Respondent/De-facto
ComplainantCRL.OP.(MD)No.10346 of 2017

Ganesan

...Petitioner/Sole Accused

Vs.

1.The State, through
The Inspector of Police,
Panagudi Police Station
In Crime No.382/2017,
Tirunelveli District

...Respondent/Complainant

2.Iyyappan

...Respondent/De-facto
Complainant

COMMON PRAYER: These Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, praying this Court to call for the records relating to FIR in Crime Nos.383 and 382 of 2017, on the file of the first respondent Police and to quash the same.

CRL.OP.(MD)No.10345 of 2017

For Petitioner

: M/s.C.Susikumar

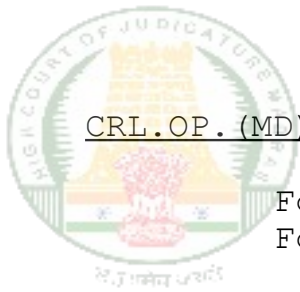
For Respondent-1

: Mr.K.Anbarasan

Govt. Advocate(Crl.Side)

For Respondent-2

: M/s.R.Maheswaran



CRL.OP.(MD)No.10346 of 2017

For Petitioner : M/s.R.Maheswaran
For Respondent-1 : Mr.K.Anbarasan
Govt. Advocate(Crl.Side)
For Respondent-2 : M/s.C.Susikumar

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COMMON ORDER

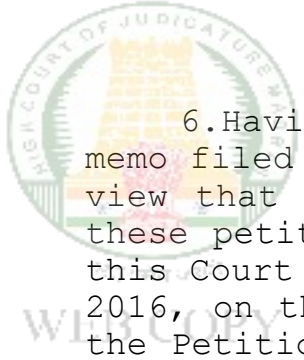
These Criminal Original Petitions have been filed to quash FIR in Crime Nos.382 and 383 of 2017, on the file of the first respondent/Police.

2.Heard the submissions of learned counsel appearing for the Petitioners and the Learned Government Advocate (Crl.side)appearing for the first respondent/State and the learned counsels appearing for the second respondent and perused the materials placed before this Court including the joint compromise memos filed by both the parties.

3.The Petitioners in CrlO.P(MD)No.10345 of 2017 are accused No.1 to 3 in Cr.No.383 of 2016, on the file of the first respondent. The de-facto complainant in Cr.No.383 of 2017 is the Petitioner and sole accused in Cr.No.382 of 2016, on the file of the first respondent Police, which is the subject-matter in Crl.O.P(MD) No.10346 of 2017. Hence this is a case of case and counter.

4.Pursuant to the registration of the complaints, it appears that the parties namely, the first respondent in Crl.O.P(MD)No.10345 of 2017 and the Petitioner in Crl.O.P(MD)No.10346 of 2017 have settled their dispute out of Court. They have also entered into a joint compromise memo, dated 24.7.2017 by which, the first Petitioner in Crl.O.P(MD)No.10345 of 2017 and Petitioner in Crl.O.P (MD)No.10346 of 2017 have agreed that they would not pursue the criminal cases and further agreed that they have no objection for quashing the FIR in Cr.Nos.382 and 383 of 2016.

5.In Crl.O.P(MD)No.10345 of 2016, the compromise memo was filed by the first accused and there was no compromise in respect of accused No.2 and 3. In the said circumstances, the learned counsel for the Petitioners submitted that the case can be taken only for the first Petitioner. But the de-facto complaint in Cr.No.383 of 2016 has no objection to quash the FIR in toto. Today, the parties appear before this Court and expressed in unequivocal terms that they have entered into a compromise memo on their free will and own volition. In the compromise memo filed in respective cases, dated 24.7.2017, the counsel representing the de-facto complainants as well as the petitioners have signed. The identity of the parties are verified with reference to the authenticated documents produced before this Court by the parties concerned. The identity of the parties are also confirmed by the learned Government Advocate (Crl.Side)through the first respondent/Police.



6. Having regard to the specific terms of the joint compromise memo filed before this Court in both the cases, this Court is of the view that no useful or fruitful purpose will be served in keeping these petitions pending. Hence, in the circumstances stated above, this Court is inclined to quash the FIR in Crime Nos. 382 and 383 of 2016, on the file of the first respondent/Police registered against the Petitioners, on the basis of the Joint Compromise Memo filed in both cases, dated 24.7.2017, filed by both the parties.

7. Accordingly, these Criminal Original Petitions are allowed and the FIR in Crime Nos. 382 and 383 of 2017, on the file of the first respondent/Police insofar as the Petitioner/s alone are quashed. The Joint compromise memo filed in both cases, dated 24.7.2017, filed by both the parties, shall form part and parcel of this common order.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Compromise Memo
To

1. The Inspector of Police,
Panagudi Police Station
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to M/s. R. MAHESWARAN Advocate in SR. No. 71869, 71870
VSN
JS/SKN.RSK/SAR.3/21.08.2017/3P-5C

COMMON ORDER MADE IN
CRL.OP. (MD) NoS. 10345 AND 10346 of 2017
09.08.2017