



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.11555 of 2017

Muthiah

...Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Oomatchikulam, Madurai.

2.State represented by
The Inspector of Police,
Oomatchikulam Police Station,
Madurai.

(Crime NO.112 of 2017)

...Respondents/Complainants

3.Selvi

...Respondent/De-facto Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to Crime No.112 of 2017, dated 22.06.2017, on the file of the Inspector of Police, Oomatchikulam Police Station, Madurai District and quash the same as against the petitioner.

For Petitioner : Mr.S.Mahendrapathy

For Respondents : Mr.K.Anbarasan - R1 & R2
Govt. Advocate(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No. 112 of 2017, pending on the file of the second respondent Police.

2.Heard the submissions of Mr.S.Mahendrapathy, learned counsel for the Petitioner and Mr.K.Anbarasan, learned Government Advocate (Crl.side) appearing for the first and second respondents/State and perused the materials placed before this Court including the joint compromise memo filed by both the parties.

3.Pursuant to the complaint filed by the de-facto complainant third respondent herein, a case was registered in Cr.No.112 of 2017 against the petitioner for the offences under Sections 294 (b) IPC Section 3 (1) (W) (ii) of SC/ST Act.



4.It appears that the petitioner/sole accused and the third respondent/defacto complainant are settled their dispute amicably out of Court. They also entered into a compromise. A joint Compromise memo dated 28.08.2017, signed by the parties in the presence of their respective counsels and the same is produced before this Court. As per the joint compromise memo, the second respondent has agreed to withdraw the criminal case and has no objection for quashing the criminal complaint.

5.Today, the parties namely the petitioner, the defacto complainant and the second respondent herein appear before this Court and expressed that they have entered into a compromise memo on their own will and free volition. In the compromise memo, dated 28.08.2017, the counsels representing the de-facto complainant 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 respondent/Police.

6. The de-facto complainant has stated in the compromise memo that he is not willing to prosecute Criminal Case registered against the Petitioner any further and that he has decided to withdraw the Complaint.

7.In view of the above, this Court is of the view that no useful and fruitful purpose will be served by keeping this petition pending Hence, in the circumstances stated above, this Court is inclined to quash the FIR registered against the Petitioner on the basis of the Joint Compromise Memo, dated 28.08.2017, filed by the both parties.

8.Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No. 112 of 2017, pending on the file of the second respondent / Police is quashed in toto. The Joint compromise memo, dated 28.08.2017 shall form part and parcel of this order.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police,
Somanthi, Madurai.



2.The Inspector of Police,
Oomatchikulam Police Station,
Madurai.

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

+1cc to M/S.S.Mahendrapathy, Advocate SR.No. 76537

ORDER MADE IN
CRL.OP.(MD)No.11555 of 2017
01.09.2017

DAS/RM
JM/JC/SAR 1/08.09.2017/3P/5C