



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.11574 of 2017

WEB COPY

- 1.Sethu @ Sethupathy
- 2.Kohul
- 3.Vinoth @ Vignesh
- 4.Chellapandi
- 5.Pandi Murugan

...Petitioner/ Accused No.1 to 5

Vs.

- 1.The State represented by its

The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.

(Crime No.222 of 2016)

...1st Respondent/Complainant

- 2.Suriyan

...2nd Respondent/De-facto Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the case in Crime No.222 of 2016 on the file of the 1st Respondent Police Station, by accepting the Joint compromise memo dated 27.06.2017.

For Petitioners : Mr.R.Gowrishankar

For 1st Respondent : Mr.K.Anbarasan

Govt. Advocate(Crl.Side)

For 2nd Respondent : Mr.K.Radhakrishnan

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No. 222 of 2016, pending on the file of the first respondent Police.

2.Heard the submissions of Mr.R.Gowrishankar, learned counsel for the Petitioners and Mr.K.Anbarasan, learned Government Advocate(Crl.side) appearing for the first respondent/State and Mr.K.Radhakrishnan, learned counsel appearing for the second respondent 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 here, the second respondent herein, a case was registered in Cr.No.222 of 2016 filed by the first respondent, against the



petitioners for the offences under Sections 147, 148, 294(b), 323, 324 and 506 (2) of IPC.

4. After the registration of the criminal case, the accused and the de-facto complainant appears to have entered into a compromise outside the Court, as the dispute between them was settled amicably through elders in the family of both the Petitioners and the de-facto complainant. They have also filed a compromise memo, dated 27.06.2017.

5. Today, Except the fourth petitioner, all other petitioners and the second respondent appeared 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 27.06.2017, 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 or fruitful purpose will be served in keeping this petition pending. Hence, in the circumstances stated above, this Court is inclined to quash the FIR registered against the Petitioners on the basis of the Joint Compromise Memo, dated 27.06.2017, filed by the both parties.

8. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No. 222 of 2016, pending on the file of the first respondent / Police is quashed in toto. The Joint compromise memo, dated 27.06.2017 shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

Joint Compromise memo xerox copies are enclosed

1. The Inspector of Police,

Thirumangalam Taluk Police Station, Madurai District.

2. The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

das/rm

MAS/KK/SAR1:25.09.2017:2P-3C