



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.11575 of 2017

- 1.Vinothkumar @ Vignesh,
- 2.Muralitharan
- 3.Arun @ Alagumayan
- 4.Sethupathy
- 5.Prabhakaran
- 6.Muthuram
- 7.Arun @ Arunmozhithevan
- 8.Anbarasan
- 9.Premkumar
- 10.Periyakaruppan

...Petitioners/Accused No.1 to 10

Vs.

- 1.The State represented by its
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
(Crime No.264/2016)

...1st respondent/ Complainant

- 2.M.Sankaran

...2nd respondent/defacto complainant

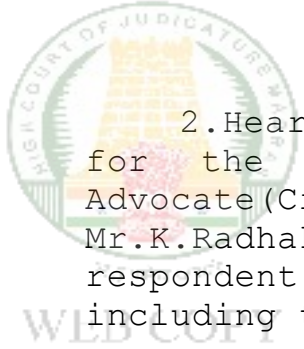
PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the case in Crime No.264/2016, on the file of the 1st respondent police station, by accepting the joint compromise memo dated 27.06.2017.

For Petitioner : Mr.R.Gowrishankar
For 1st Respondent : Mr.K.Anbarasan
Govt. Advocate(Crl.Side)

For 2nd Respondent : Mr.K.Radhakrishnan

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 264 of 2016, pending on the file of the first



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 the both parties.

3. Pursuant to the complaint lodged by the second respondent, the case was registered as against the petitioners in Cr.No.264 of 2016 by the first respondent filed the alleged offences under Sections 147, 148, 294(b), 323 and 506(i) 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 entered into a compromise memo, dated 27.06.2017, signed by the parties in the presence of their respective counsels and the same is produced before this Court.

5. Today, except petitioners 5, 8 and 9, other petitioners are present along with the second respondent. All of them have expressed that they have signed the joint compromise memo on their own will and free volition. The defacto complainant has also stated that the complaint can be quashed in toto despite the absence of the petitioners 5, 8 and 9. The identity of the parties except petitioners 5, 8 and 9 are verified with reference to the authenticated documents, though the sixth petitioner has produced only the Xerox copy of identity card, the same is accepted.

In view of the confirmation of the identity of the sixth petitioner by the learned Government Advocate through the first respondent police, the identity of the other petitioners except 5, 8 and 9 also confirmed by the learned Government Advocate through the first 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



8. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No. 264 of 2017, 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)

WEB COPY

/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/SAR1:25.09.2017:3P-3C

ORDER MADE IN
CRL.OP.(MD) No.11575 of 2017
01.09.2017 (2/3)