



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.11958 of 2017

Ramar ... Petitioner/ Accused

-Vs-

1. State rep. by,
The Inspector of Police,
Tirumangalam Police Station,
Madurai District.
(Crime No.740 of 2012) ... 1st Respondent/Complainant

2. Eswaran ... 2nd Respondent/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records FIR in Crime No.740 of 2012 dated 28.11.2012, on the file of the Thirumangalam Town Police Station, Madurai District and quash the same.

For Petitioner	:	Mr.R.Sundar
For R-1	:	Mr.K.Anbarasan, Government Advocate(Crl.side)
For R-2	:	Mr.A.Mahendran

O R D E R

This Criminal Original petition has been filed to quash the FIR in Crime No.740 of 2012 dated 28.11.2012, on the file of the Thirumangalam Town Police Station, Madurai District.

2. Heard the learned Counsel appearing for the petitioner, the learned Government Advocate(Criminal side) appearing for the first respondent and the learned Counsel appearing for the second respondent.

3.On the basis of complaint given by the second respondent, against the petitioner, a case was registered in Crime No.740 of 2012 on the file of the first respondent for the offences punishable under Sections 387, 307 and 506(ii) IPC.

<https://hcservices.eCourts.gov.in/hcservices>
4. It is observed that at the advise of the village elders, the petitioner and the second respondent/de-facto complainant have agreed to compromise the matter out of Court. A Joint Compromise



Memo, dated 04.09.2017, signed by the both parties, in the presence of their respective counsel, is also filed. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has given his consent to quash the entire proceedings in Crime No.740/2012.

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5.The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identities of the parties are also confirmed by the learned Government Advocate (Criminal side) through the first respondent police.

6.Though offences under Section 307 is not compoundable, this is also convinced that on the basis of compromise memo, this can be permitted, having regard to the nature of dispute and averments made in the FIR.

7.Having regard to the terms of the compromise arrived at between the parties, this Court is of the view that no useful purpose will be served by keeping this matter pending. As per the Compromise Memo signed by the parties, the de-facto complainant, namely, the second respondent has agreed to quash the proceedings against the petitioner. The Honourable Supreme Court also in similar circumstances, has held that it is permissible to this Court to quash the criminal complaint on the basis of the compromise. Hence the criminal proceedings in Crime No.740 of 2012 on the file of the first respondent police / the Inspector of Police, Tirumangalam Police Station, Madurai District, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

8.Accordingly, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

Herewith attached the copy of Joint Compromise Memo

To

The Inspector of Police,
Tirumangalam Police Station,
Madurai District.

+1CC to Mr.R.Sundar, Advocate, SR.No.77814

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