

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

DATED: 15.09.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**CrI.O.P. (MD) No.12139 of 2017**

Pio @ Pio Amirtharaj

... Petitioner/Accused No.1

-Vs-

1. State rep. by,
The Inspector of Police,
Central Police Station,
Thoothukudi,
Thoothukudi District,
(In Crime No.324 of 2017)

... 1st Respondent/Complainant

2. S.Arunagiri

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in F.I.R. No.324 of 2017 on the file of the first respondent / Central Police Station at Thoothukudi and quash the same as against the petitioner herein.

For Petitioner : Mr.M.M.Manivelpandian

For R-1 : Mr.K.Anbarasan,
Government Advocate(CrI.side)

For R-2 : Mr.R.Karthick Rajan

O R D E R

This Criminal Original petition is filed to call for records in F.I.R. No.324 of 2017 on the file of the first respondent / Central Police Station at Thoothukudi and quash the same as against the petitioner herein.

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



3. Based on the complaint lodged by the second respondent, defacto complainant, the case was registered against the petitioner/ the first accused in Crime No.324 of 2017 for the offences under Sections 452, 294(b), 323 of IPC and Section 4 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1998. The complaint was registered on 24.07.2017.

4. It appears that parties namely, the petitioner/the first accused and the defacto complainant, namely, the second respondent have settled the dispute amicably and entered into compromise.

5. A Joint compromise memo signed by the parties in the presence of their respective counsels is produced before this Court. As per the joint compromise memo, the parties have stated that they have settled all their disputes at the instance of relatives and well wishers. The defacto complainant has agreed to quash the FIR in Crime No.324 of 2017.

6. The parties, namely, the petitioners and the second respondent appeared before this Court today 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.

7. Having regard to the agreement made between the parties, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the criminal proceedings in F.I.R.No.324 of 2017 on the file of the first respondent / Central Police Station is quashed as against the petitioner herein and 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(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Central Police Station,

<https://hcmesbchukudi.hcservices/>

Thoothukudi District.



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

+1cc to Mr. M.M.MANIVEL PANDIAN, Advocate, SR.No.79268.

Cr1.O.P.(MD) No.12139 of 2017
15.09.2017

mrn/pjl
SDS/KK/SAR 4/09.10.2017/3P/4C