



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.12452 of 2017

- 1.Jayapandi
- 2.Lingam
- 3.Muthuraj
- 4.Thangaraj
- 5.Mayathevar
- 6.Jeyaraj
- 7.Ananthapandi
- 8.Rathi
- 9.Ochathevar
- 10.Jothi

...Petitioners/Accused Nos.1 to 10

-Vs-

- 1.The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.

(In Crime No.07 of 2016) ...1st Respondent/Complainant

- 2.M.Sowmiya Sirayini

... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Crime No.7 of 2016 on the file of the Inspector of Police, All Women Police Station, Nilakottai and quash the same as illegal as against the Petitioners.

For Petitioners	: Mr.R.Srinivasan
For R-1	: Mr.K.Anbarasan, Government Advocate (Crl. side).
For R-2	: Mr.T.Amjad Khan

O R D E R

This Criminal Original Petition has been filed to quash the records in Crime No.7 of 2016 on the file of the Inspector of Police, All Women Police Station, Nilakottai.



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

3. The petitioners are Accused Nos. 1 to 10 in Cr.No.7 of 2016. Based on the complaint lodged by the second respondent, against the petitioners, the case was registered in Crime No.7 of 2016, on the file of the first respondent police, for the offences punishable under Sections 420, 354, 494 and 506(ii) IPC r/w 3(1) (X) of SC/ST (POA) Act 1989.

4. It appears that on the advice of close relatives and elders, the parties have entered into compromise and a Joint Compromise Memo, signed by 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 agreed to quash the First Information Report in Cr.No.7 of 2016.

5. The de-facto complainant, though has signed the compromise memo, states before this Court that the accused promised her to give some money for entering into compromise and that nothing has been fulfilled so far. Since, this Court is of the view that consent of 2nd respondent has been obtained purely on such promise, this Court is not inclined to entertain this quash petition. Having regard to the fact that there is no compromise, this Court has no other option, but to dismiss this petition. Hence, this Criminal Original Petition is dismissed accordingly.

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
cmr
RL/3C/2P/SKN/RSK/SAR1/10/10/2017