



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.13776 of 2017

1.Rakkappan
2.Baskaran

... Petitioners / Accused 1 & 2

-Vs-

1. State
rep. by the Sub Inspector of Police,
Austinpatti Police Station,
Madurai District.
(Crime No.634 of 2016)

2. Amutha ... respondents

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.634 of 2016, dated 09.12.2016 on the file of the Sub Inspector Police, Austinpatti Police Station, Madurai District and quash the same as against the petitioners.

For Petitioners	: Mr.D.Rameshkumar
For R-1	: Mr.K.S. Duraipandian
	Additional Public Prosecutor
For R-2	: Mr.K.Praveenkumar

O R D E R

This Criminal Original petition is filed to call for the records relating to the FIR in Crime No.634 of 2016, dated 09.12.2016 on the file of the Sub Inspector Police, Austinpatti Police Station, Madurai District and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent no. 1 and the learned counsel appearing for the second respondent.

3. The petitioners are accused nos. 1 and 2 in Crime No. 634 of 2016 on the file of the respondent police. On the basis of the complaint preferred by the second respondent / de facto



complainant, a case was registered by the first respondent police in Crime No.634 of 2016 for the offences under Sections 365, 342 and 506(i) of IPC.

4. It appears that parties viz., petitioners and the 2nd respondent / de facto complainant have settled their dispute amicably out of Court, at the instigation of the elders and well wishers and they have also entered into a compromise as the dispute relates to money transactions. A joint compromise memo dated 31.08.2017 signed by the parties concerned in the presence of their respective counsels is produced before this Court. As per the joint Compromise Memo, the de facto complainant has agreed to withdraw the criminal case and the petitioners and the second respondent have requested this Court to quash the proceedings in Crime No. 634 of 2016 on the file of the first respondent Police.

5. The first petitioner and the second respondent appeared before this Court today and expressed in unequivocal terms that the Joint Compromise Memo was signed by them on their own will and volition. The learned counsel appearing for the petitioner states that the second petitioner has recently secured a job and he could not come to this Court due to unavoidable circumstances. The identities of the first petitioner and second respondent are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Additional Public Prosecutor through the second respondent Police.

6. In the said circumstances, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, on the basis of the compromise memo signed by the parties, the Criminal Original petition is allowed and the First Information Report pending in Crime No.634 of 2016 on the file of the first respondent Police is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

Encl.: Xerox Copy of Compromise Memo
To

<https://hservices.hcourtsgov.in/hsrtps>
The Sub Inspector of Police,
Austinpatti Police Station,
Madurai District.



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

+1 CC TO MR.D.Rameshkumar, ADVOCATE IN SR No.83217

trp

MK/SV MMS/SAR-2/10.11.2017/3P/4C

Cr1.O.P.(MD) No.13776 of 2017
23.10.2017