



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.13934 of 2017

- 1.Fr. I. Antony Xavier
- 2.D. Vincent
- 3.Thobias
- 4.G. Amaladhas

: Petitioners/Accused Nos.1 to 4

-Vs-

1. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District,
(Crime No. 67 of 2017)

2. Ms. Stella Flawrance : Respondents/Complainants

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No. 67 of 2017 on the file of the respondent No.1, dated 06.02.2017 and quash the same as illegal.

For Petitioners	: Mr.T. Lajapathy Roy
For Respondent no. 1	: Mr.K.S.Duraipandian
	Additional Public Prosecutor
For 2 nd respondent	: Mr. M. Arjun Varman

O R D E R

This Criminal Original petition is filed to call for the records pertaining to the FIR in Crime No. 67 of 2017 on the file of the respondent No.1, dated 06.02.2017 and quash the same as illegal.

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

3. On the basis of complaint received from the second respondent, a case was registered in Crime No.67 of 2017 as against the petitioners for the offences under Sections 147, 148, 152, 379 of IPC and Section 3(1) of TNPPDL Act, 1992, on the file of the first respondent Police.



4. It appears that the parties viz., the petitioners and the second respondent, after registration of the case, have amicably settled their dispute out side the Court. The compromise between the petitioners and the second respondent which is also recorded by this Court in CrI.O.P(MD).No.2968 of 2017 in the order dated 30.06.2017. The joint compromise memo dated 11.09.2017, signed by the petitioners and the second respondent / defacto complainant, in the presence of their respective counsels is produced before this Court. As per the joint Compromise memo, the amount payable by the petitioners to the de facto complainant as per the compromise memo is stated to have been settled fully by receiving a sum of Rs.5,00,000/- by cash and a further sum of Rs.3,00,000/- by way of Demand Draft, dated 15.07.2017. The receipt of payment is also acknowledged in the joint compromise memo. The parties have categorically admitted and acknowledged the terms and also requested this Court to quash the FIR in Crime No.67 of 2017 on the file of the first respondent Police.

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 Additional Public Prosecutor through the first respondent police.

6. Having regard to the terms of the joint memo of compromise, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the criminal proceedings pending in Crime No.67 of 2017 on the file of the first respondent Police, is quashed in toto and the Joint Compromise Memo dated 11.09.2017 signed by the parties shall form part of the order.

7. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistnat Registrar(crl side)

/True copy/

Sub Assistant Registrar

Encl: Xerox Copy of Joint Compromise Memo

To

<https://hcservices.thelocalnews.com>
The Officer of Police,
Marthandam Police Station,
Kanyakumari District.



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

TRP
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VB/SKN/RSK/SAR2/30/10/2017/3P/3C

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