



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2017

CORAM

WEB COPY

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

Cr1.O.P.(MD) No.14805 of 2017

1.Javith Akthar
2.Fazil
3.Hajamydheen
4.Mohideen Baba Shabi @ Shabi
5.Mohomed Abubuckar Sahul Hameed
6.Mohamed Maheen Nowbil @ Mohamed Nowfal
7.Feminkhan @ Ferin Khan
8.Mydeen @ Mutheen Ejas
9.Barizkhan
10.Mohamed Sajeer
11.Sahul Hameed
12.Naushath

... Petitioners / Accused

-Vs-

1.State rep. by
the Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No.438 of 2017)

2.Bino Nimal

... respondents

Prayer: Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the FIR in Crime No.438 of 2017 on the file of the first respondent Police and quash the same.

For Petitioners	:	Mr.A. Mohamed Yusuf
For R-1	:	Mr.K.S. Duraipandian
		Additional Public Prosecutor
For R-2	:	Mr.K. Navaneetharaja

O R D E R

This Criminal Original petition is filed to call for the records relating to the FIR in Crime No.438 of 2017, pending on the file of the first respondent Police 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 to 12 in Crime No.438 of 2017. 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.438 of 2017 for the offences under Sections 279, 147, 294(b), 506(i) of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984.

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. A joint compromise memo 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.438 of 2017 on the file of the first respondent Police.

5. The parties viz., petitioners and the second respondent have appeared before this Court and expressed in unequivocal terms that the Joint Compromise Memo was signed by them 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 identity of the parties are also confirmed by the learned Additional Public Prosecutor through the first 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 proceedings pending in Crime No.438 of 2017 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(CS-I)

/True Copy/

Sub Assistant Registrar.

Enclosed: The Joint Compromise Memo signed by the parties shall form part of the order.

To

1. The Inspector of Police, Kanyakumari Police Station,
Kanyakumari District.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr.A.Mohamed Yusuf, Advocate, SR.No. 85442

Crl.O.P.(MD) No.14805 of 2017
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