



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD) No.15097 of 2017

A.Sivarajan

... Petitioner/Accused No.2

-Vs-

1.The State represented by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

...1st Respondent/Complainant

2.S.Sibu

... 2nd Respondent / De-facto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the case in Crime No.373 of 2017 on the file of the first respondent police and quash the same against the petitioner.

For Petitioner	: Mr.B.Jameel Arasu
For R1	: Mr.K.S.Duraipandian Additional Public Prosecutor
For R2	: Mr.N,Murugeshwaran

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the case in Crime No.373 of 2017 on the file of the first respondent police and quash the same against the petitioner.

2.Heard the learned Counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned Counsel appearing for the second respondent.

3.The petitioner is the second accused in the criminal case in Cr.No.373 of 2017 on the file of the first respondent police. Based on the complaint lodged by the second respondent, a case was originally registered in Crime No.34 of 2013 and subsequently it was transferred to the first respondent police and renumbered as Crime No.373 of 2017, as against the petitioner and others, for the offences punishable under Section 420 of IPC. After the registration of the complaint, the petitioner has earlier approached this Court for quashing the First Information Report in Crime No.34 of 2013 and this Court has dismissed the same as withdrawn in view of the

endorsement that was made by the learned Counsel for the petitioner.

4.It is stated that the petitioner and the second respondent along with others, who have also lodged complaints as against the petitioner, have settled their disputes amicably out of Court, at the intervention of elders and relatives and a compromise was also reached. A Joint Compromise Memo, signed by both the parties, in the presence of their respective Counsels, is also produced before this Court. As per the Joint Compromise Memo, the second respondent / de-facto complainant has no objection for quashing the First Information Report in Cr.No.373 of 2017, on the file of the first respondent police.

5.Today, the parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free will and volition. The identity 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 view of the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence the First Information Report in Cr.No.373 of 2017 on the file of the first respondent police, namely, the Inspector of Police, Karungal Police Station, Kanyakumari District, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.

7.Accordingly, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

**Encl.: Xerox copy of Compromise Memo
To**

1. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.B.JAMEEL ARASU, ADVOCATE IN SR No. 91070

CMR

TE/JC/SAR-4 : 26/12/2017 : 2P/4C
<https://hcservices.ecourts.gov.in/hcservices/>

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