



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P.(MD) No.15949 of 2017

R.Suresh @ Sureshkumar ... Petitioner / Sole Accused

-Vs-

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

...1st Respondent / Complainant2.Palliya ...2nd Respondent / De-facto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.418 of 2017 dated 14.11.2017 on the file of the first respondent police and quash the same.

For Petitioner	: Mr.E.V.N.Siva
For R1	: Mr.K.S.Duraipandian
	Additional Public Prosecutor
For R2	: Mr.A.Ajith Geethan

O R D E R

This Criminal Original Petition has been filed to quash FIR in Crime No.418 of 2017 dated 14.11.2017 on the file of the first respondent police.

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 sole accused in the criminal case in Cr.No.418 of 2017, pending on the file of the first respondent. Based on the complaint lodged by the second respondent, a case was registered as against the petitioner, in Crime No.418 of 2017, for the alleged offences punishable under Sections 294(b), 506(ii) IPC and Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003. After the registration of the complaint, it is stated that the petitioner was arrested recently and he is now in Central Prison, Madurai, from 15.11.2017 onwards.



4.It appears that the parties, namely, the petitioner and the second respondent have settled their dispute amicably out of Court, at the intervention of elders and relatives and a compromise was also reached. A Joint Compromise Memo, signed by the petitioner and the second respondent in the presence of witnesses and their respective Counsel, is also produced before this Court. As per the Joint Compromise Memo, the petitioner and the second respondent have settled their dispute amicably out of Court and as a result of which, the de-facto complainant stated that he is not willing to proceed with the criminal case. The de-facto complainant also agreed for withdrawing the complainant as he has decided not to indulge in any litigations and also agreed for quashing the criminal case in Crime No.418 of 2017, pending on the file of the first respondent police.

5.In view of the fact that the petitioner is in jail, he is not present today before the Court. However, the de-facto complainant and the son of the petitioner appeared before this Court and the second respondent / de-facto complainant expressed in unequivocal terms that he has signed the Joint Compromise Memo on his own free will and volition. The identity of the second respondent is verified with reference to the authenticated document produced by the second respondent before this Court. The identity of the second respondent is 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 Crime No.418 of 2017, on the file of the first respondent police, namely, the Inspector of Police, Colachel Police Station, Kanyakumari District, is quashed insofar as the petitioners are concerned. The Joint Compromise Memo signed by the parties shall form part of the order.

7.In view of the fact that the complaint itself is quashed, it is open to the petitioner to approach the concerned Judicial Magistrate or the Jail Superintendent, to get orders, so as to get himself released from the jail.

8.Accordingly, the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar



To

Enclosure : Joint Compromise Memo

- 1.The Superintendent,
Madurai Central Prison,
Madurai.
- 2.The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.E.V.N.Siva, Advocate SR.No. 88684

Cr1.O.P. (MD) No.15949 of 2017
22.11.2017

cmr

JM/SKN RSK/SAR 2/22.11.2017/3P/5C