



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP(MD)No.17099 of 2017

1.S.Kamaladasan
2.A.Vadivel @ Shankar
3.A.Kumar
4.M.Suresh @ Prakash
5.K.Shankarganesh
6.M.Arumugam

... Petitioners/Accused Nos.1 to 6

Vs.

1.State represented by
The Inspector of Police,
Gandhi Market Police Station,
Trichy.

(In Crime No.1315 of 2017) ... 1st Respondent /Complainant

2.T.Surenthar ... 2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to quash the First Information Report in Crime No.1315 of 2017 on the file of the first respondent.

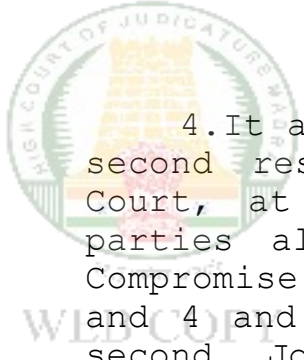
For Petitioners : Mr.R.Pandi Maharaja
For R-1 : Mr.K.S.Durai Pandian
Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for quashing the First Information Report in Crime No.1315 of 2017 on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3.The petitioners are the accused Nos.1 to 6 in Crime No.1315 of 2017 on the file of the first respondent police. On the basis of the complaint lodged by the second respondent/de-facto complainant, a case was registered in Crime No.1315 of 2017, dated 28.12.2016, on the basis of the alleged offences punishable under Sections 147, 294(b), 323, 363 and 506(ii) I.P.C.



4. It appears that the parties, namely, the petitioners and the second respondent have settled their dispute amicably out of Court, at the intervention of the elders and relatives. The parties also have entered into a compromise. The first Joint Compromise Memo, dated 05.12.2017, signed by the petitioners 2, 3 and 4 and the second respondent / de-facto complainant and the second Joint Compromise, dated 05.12.2017, signed by the petitioners 1, 5 and 6 and the second respondent / de-facto complainant in the presence of their respective counsels are produced before this Court. In the Joint Compromise memos, the second respondent / de-facto complainant has stated that further process in this case will not serve any purpose and that to maintain the family relationship, the second respondent / de-facto complainant is agreeable for quashing the First Information Report in Crime Nos.1315 of 2017 on the file of the first respondent.

5. Today, the parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memos 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. Though the fourth petitioner has also signed in the compromise memo, it is stated that he is not present due to unavoidable circumstances. Hence, this compromise memo is accepted without the presence of one of the signatories namely, the fourth petitioner.

6. In view of the specific terms of the Joint Compromise Memos, 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.1315 of 2017 on the file of the first respondent police, namely, the Inspector of Police, Gandhi Market Police Station, Trichy, is quashed in toto. The Joint Compromise Memos signed by the parties shall form part of the order.

7. Accordingly, the Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

Enclosure : The Joint Compromise Memo (Xerox Copy)

1. The Inspector of Police,
Gandhi Market Police Station,
Trichy.



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

+1cc to M/S.R.Pandi Maharaja, Advocate SR.No. 93964

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SRM

JM/SKN/SAR 2/11.01.2018/3P/4C