



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD) No.17184 of 2017

1.Varadharajan

2.Kesavarajan

... Petitioners/ Accused Nos.1 and 2

Vs

1.State represented by

The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

(Crime No.168 of 2017).

... 1st Respondent / Complainant

2.Kamal @ Kumaraguru

... 2nd Respondent / Defacto
complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the case in Cr.No.168/2017 pending on the file of the Inspector of Police, Suchindram Police Station, Kanyakumari District and quash the same.

For Petitioners : Mr.N.Rahamadullah

For R1 : Mr.K.S.Duraipandian
Additional Public Prosecutor

For R2 :Mr.P.Venkatesan

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Cr.No.168 of 2017 pending on the file of the Inspector of Police, Suchindram Police Station, Kanyakumari District.

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

3.The petitioners are accused Nos. 1 and 2 in Crime No.168 of 2017 pending before the first respondent. Based on the complaint lodged by the second respondent, a case was registered in Crime No.168 of 2017 as against the petitioners for the alleged offences punishable under Sections 341, 294(b), 323 and 506(i) of IPC.



4.It appears that there is some truth in the statement of the learned Counsel for the petitioner about the incident for which the case was registered. The De-facto complainant has filed a affidavit stating that the complaint itself was not given by him and that the respondent police has forcibly took upon the complaint, as if he has made the complaint. The parties have therefore agreed to compromise the issue as the incident did not happened, as alleged in the First Information Report. The petitioners and the second respondent have produced before this Court, a Joint Compromise Memo dated 13.10.2017 signed by the petitioners and the second respondent in the presence of their respective Counsels. As per the Joint Compromise Memo, the De-facto complainant agreed to quash the First Information Report in Cr.No.168 of 2017 pending 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 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 Crime No.168 of 2017 on the file of the first respondent police, namely, the Inspector of Police, Suchindram 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(CSI)

/True Copy/

Sub-Assistant Registrar

(*) COMPROMISE MEMO XEROX COPY IS ENCLOSED HEREWITH

To

1.The Inspector of Police,
Suchindram Police Station, Kanyakumari District.

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

+One cc to Mr.N.Rahamadullah, Advocate, SR.No.92982

pnn/cmr

RL/4C/2P/KKR/SAR1/18/1/2018

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