



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP (MD) No.17746 of 2017

WEB COPY

1.A.Gopalakrishnan

2.A.Annakkodi

3.A.Selvi

... Petitioners/ Accused 1 to 3

Vs.

1.State represented by,
The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(In Crime No.29 of 2017)

... 1st Respondent /Complainant

2.Aruna Devi

... 2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.29 of 2017 pending on the file of the Inspector of Police, All Women Police Station, Theni, dated 28.11.2017 and to quash the same.

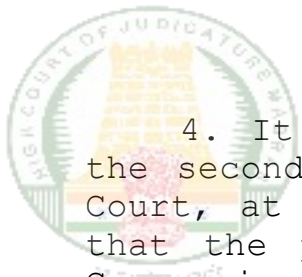
For Petitioners	: Mr.A.C.Santhana Krishnan
For R-1	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-2	: Mr.S.Thiagarajan

O R D E R

This Criminal Original petition is filed for quashing the First Information Report in Crime No.29 of 2017 pending on the file of the Inspector of Police, All Women Police Station, Theni, dated 28.11.2017.

2. Heard the learned counsel appearing for the petitioners and 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 to 3 in Crime No.29 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.29 of 2017, dated 28.11.2017, for the offences under Sections 417, 376, 313 and 109 of I.P.C. Though Section 376 of I.P.C., is mentioned in the First Information Report, the complaint does not disclose an offence under Section 376 of 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 elders and relatives. It is stated that the parties also have entered into a compromise. A Joint Compromise Memo, dated 18.12.2017, signed by the petitioners and the de-facto complainant in the presence of their respective counsels is produced before this Court. As per the Joint Compromise Memo, the defacto complainant has no objection for quashing the First Information Report in Crime No.29 of 2017 pending on the file of the Inspector of Police, All Women Police Station, Theni.

5. The parties, namely, the petitioners and the second respondent 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. Though the case was registered for the offence under Section 376 of I.P.C., it appears that the facts narrated in this petition and the compromise memo shows that there was love affair between the petitioner and second respondent and continued for a long time. Having regard to the fact that the parties are relatives and they have settled their dispute amicably out of Court, this Court has no reason to dismiss this petition.

7. Having regard to 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, on the basis of the Joint Compromise Memo signed by the parties, the Criminal Original petition is allowed and the First Information Report in Crime No.29 of 2017 on the file of the first respondent/Inspector of Police, All Women Police Station, Theni, dated 28.11.2017, 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

To

Enclosure: The Joint Compromise Memo (Xerox Copy)

1.The Inspector of Police,
All Women Police Station,

Theni, Theni District.



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

+1cc to M/S.N.Ilango, Advocate SR.No. 94662

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22.12.2017

pmu

JM/SV MMS/SAR 1/19.01.2018/3P/4C