



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP(MD)No.17852 of 2017 and
CRL MP(MD)No.11653 of 2017

Ayyar ... Petitioner/ Sole Accused

Vs.

1.The State through,
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(In Crime No.431 of 2017)

...Respondent No.1 /Complainant

2.S.Murugesan

...Respondent No.2/
De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the First Information Report in Crime No.431 of 2017, dated 04.11.2017 on the file of the first respondent police and to quash the same.

For Petitioner : Mr.S.J.Chakkaravarthy
For R-1 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.
For R-2 : Mr.B.Muneeswaran

O R D E R

This Criminal Original petition is filed for quashing the First Information Report in Crime No.431 of 2017, dated 04.11.2017 on the file of the first respondent police.

2. Heard the learned counsel appearing for the petitioner and 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 Crime No.431 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.431 of 2017, dated 04.11.2017, for services acquired by the petitioner under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.



4. After registration of the criminal complaint, it appears that the second respondent has turned hostile even at this stage and stated that the complaint was not given by him. Though it is acknowledged by the parties in a Compromise Memo, it is a fit case for quashing the proceedings on the basis of compromise. The Joint Compromise Memo signed by the petitioner 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 reiterated that the complaint was not given by him and that his signature was forged and he has also agreed for quashing the First Information Report in Crime No.431 of 2017 on the file of the first respondent police.

5. Today, the parties, namely, the petitioner 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. 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.431 of 2017 on the file of the first respondent police, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

Herewith enclosed the xerox copy of Joint Compromise Memo signed by the parties.

To

1.The Inspector of Police, Kodaikanal Police Station,
Dindigul District.

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

+1CC to Mr.S.J.Chakkaravarthy, Advocate, SR.No. 94526

CRL OP(MD)No.17852 of 2017

22.12.2017