



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.2407 of 2017

V.Neelaperumal : Petitioner

-Vs-

1.The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Thirunelveli District.

2.Mr.T.Jeyasekar : Respondents

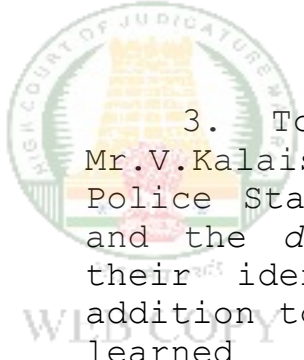
PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the First Information Report in Crime No.33 of 2017, dated 15.02.2017 on the file of the first respondent and quash the same as illegal.

For Petitioner : Mr.R.Rajesh Kumar
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.R.Venkatesan

O R D E R

It is the case of the *defacto* complainant that he is the Tourist Taxi driver and that the accused engaged his services and got into his car on 15.02.2017. Midway, it is alleged that the accused brandished a weapon and extorted a sum of Rs.200/- from the *defacto* complainant. On the strength of the complaint given by the *defacto* complainant, the respondent police registered a case in Crime No.33 of 2017 under Sections 294(b) and 387 of the Indian Penal Code against the accused, to quash which, both the accused and the *defacto* complainant are before this Court with the present petition on the ground that they have arrived at the compromise.

2. Under normal circumstances, this is not a fit case to quash, in the light of the law laid down by the Hon'ble Supreme Court in **State of Madhya Pradesh Vs. Manish and others [2015(8) SCC 307]**. However, in this case, it is represented that the accused is the Government servant and his entire career will be spoiled.



3. Today, when the matter was taken up for hearing, Mr.V.Kalaiselvan, Special Sub-Inspector of Police, Koodankulam Police Station, Tirunelveli District, is present. The petitioner and the *defacto* complainant are present before this Court and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr.V.Kalaiselvan, Special Sub-Inspector of Police, Koodankulam Police Station, Tirunelveli District.

4. The parties have also filed a joint compromise memo, wherein it is stated as follows:

"4. I submit that now both the De-facto complainant and the petitioner of the instant quash petition have settled the issue outside the Court amicably.

5. I further submit that since I have settled the dispute amicably with the defacto complainant out of the court, the First Information Report may be quashed on the ground that the matter has been settled."

5. In view of the above, this Petition is allowed and the entire proceedings in Crime No.33 of 2017 on the file of the first respondent, in respect of the petitioner/accused alone, are hereby quashed on condition that the accused and the defacto complainant pay each a sum of Rs.3,000/- (Rupees Three Thousand only) as cost to Mahatma Gandhi Museum, Madurai, within a period of one week from the date of receipt of a copy of this order and file a memo in the Registry. The joint compromise memo dated 02.03.2017 shall form part of this order.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

SML

To

1.The Inspector of Police,
Koodankulam Police Station,
Koodankulam, Thirunelveli District.

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

Order made in
CRL.O.P. (MD) No.2407 of 2017
07.03.2017