



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2017

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

Cr1.O.P.(MD).No.8849 of 2017

Sugan

... Petitioner

Vs.

1. The State Represented by
The Inspector of Police,
Manvalakurichi Police Station,
Kanyakumari District.

2. Rajan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to pass an order calling for records in Crime.No.143 of 2016 on the respondent police and quash the same.

For Petitioner	: Mr.R.Russel Raj
For Respondents	: Mr.K.Anbarasan
	Government Advocate (Criminal side)
	(for R1)
	Mr.L.G.Rajkumar (for R2)

O R D E R

This petition has been filed seeking a direction to the first respondent to pass an order calling for records in Crime. No.143 of 2016 and quash the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side) for the first respondent.

3.It is submitted by the Petitioner that the respondent police has registered a case against the petitioner for the alleged offence under Sections 341, 294(b), 323, 307 and 506(ii) of IPC in Crime No.143/2016 dated 08.06.2016. The case was registered on the basis of the complaint of the second respondent / the defacto complainant. However, the petitioner and the de facto complainant filed a joint compromise memo dated 04.07.2017 indicating that a settlement was arrived between the parties at the intervention of

elders in their village.

4. The compromise memo indicates that the parties have settled the matter amicably to enable them to live with peace and love and only to keep harmony. The parties appeared before this Court today and expressed in unequivocal terms that they have settled the matter outside the Court and they have signed in the compromise memo out of their own will and volition. Identity of the parties concerned is verified by this Court with reference to the voters list and Aadhar card produced by the parties before this Court.

5. Except there is a small discrepancy in the identification of the defacto complainant with regard to his address, this Court is not in the position to confirm his identity. When asked about the identity of the defacto complainant through the respondent police he is also unable to confirm the same. Hence, subject to the production of Ration Card, this Court feel that the Criminal Original Petition can be disposed of.

6. Having regard to the fact that the compromise memo has been filed and a case registered against the petitioner under section 307 of IPC., the learned counsel and the learned Government Advocate raised no objection with regard to the disposal of the Criminal Original Petition on the basis of the compromise memo. He further submitted that this Court was not inclined to accept the compromise memo earlier and the petition to quash the Criminal case on the basis of compromise memo earlier was not accepted by the predecessors. Though the statement of the learned Government Advocate is not fully admitted, however, the fact that this Court earlier did not entertain the petition is not in dispute. However, the contention of the learned counsel for the petitioner is that there was no decision on merits and therefore it cannot be the reason to decline the present petition.

7. The learned counsel further relied upon the judgment of the Hon'ble supreme Court in the case of **Narinder Singh and others Vs. The State of Punjab in SLP (Crl.A.No.686 of 2014**, wherein the Hon'ble Supreme Court had occasion to deal with similar case. The following portion of the judgment is relevant to this case;

35. We have gone through the FIR as well which was recorded on the basis of statement of the complainant/victim. It gives an indication that the complainant was attacked allegedly by the accused persons because of some previous dispute between the parties, though nature of dispute etc. is not stated in detail. However, a very pertinent statement appears on record viz., 'respectable persons have been trying for a compromise up till now, which could not be finalized'. This becomes an important



aspect. It appears that there have been some disputes which led to the aforesaid purported attack by the accused on the complainant. In this context when we find that the elders of the village, including Sarpanch, intervened in the matter and the parties have not only buried their hatchet but have decided to live peacefully in future, this becomes an important consideration. The evidence is yet to be led in the Court. It has not even started. In view of compromise between parties, there is a minimal chance of the witnesses coming forward in support of the prosecution case. Even though nature of injuries can still be established by producing the doctor as witness who conducted medical examination, it may become difficult to prove as to who caused these injuries. The chances of conviction, therefore, appear to be remote. It would, therefore, be unnecessary to drag these proceedings. We, taking all these factors into consideration cumulatively, are of the opinion that the compromise between the parties be accepted and the criminal proceedings arising out of FIR No.121 dated 14.7.2010 registered with Police Station LOPOKE, District Amritsar Rural be quashed. We Order accordingly.

8. Considering the fact the the compromise memo which has been signed by the parties concerned to enable the parties to live in peace and love and to be in harmony, this Court failed to understand as to why the judgment of the Hon'ble Supreme Court cannot be accepted as contented by the learned Advocate for the petitioner.

9. Having regard to the facts and circumstances of the case this Court is inclined to quash the FIR.No.143/2016 on the file of the respondent Police, on the basis of the compromise entered into between the parties. The Criminal Original petition is therefore allowed and the proceedings in Crime No.143 of 2016 on the file of the respondent Police is quashed. The joint compromise memo shall form part of this order.

Sd/-

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar



To

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

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

+ 1 CC TO MR.R.Russel Raj, ADVOCATE IN SR No.65339
ta/vsa
MK/SV MMS/SAR-3/4P/4C/15.09.2017

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