

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.07.2017****CORAM**

WEB COPY

THE HON'BLE MR.JUSTICE S.S.SUNDAR**Crl.O.P. (MD) No.9135 of 2017**

- 1.Anbu Selvan
- 2.Manickaraj
- 3.Guruvammal

... Petitioners/Accused 1 to 3

-Vs-

1. State rep. by
The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.
(Crime No.97 of 2017)

... 1st Respondent/Complainant

2. Muthusamy

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in connection with Crime no.97 of 2017 on the file of the first respondent police and quash the F.I.R.

For Petitioners : Mr.S.Poorna Chandran

For 1st Respondent : Mr.K.Anbarasan,
Government Advocate (Crl.side)

For 2nd Respondent : Mr.S.Vijayakumar

O R D E R

This Criminal Original petition is filed to call for records in connection with Crime No.97 of 2017 on the file of the first respondent police and quash the F.I.R.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the first respondent and the learned counsel appearing for the second respondent.



3. On the basis of complaint given by the second respondent/defacto complainant, against the petitioners, a case was registered in Crime No.97 of 2017 on the file of the first respondent for the offences under Sections 341, 323, 355, 294(b), 506(2) and section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 by the respondent police.

4. Though the offences are non-compoundable, it is stated that on the basis of the principles laid down by the Honourable Supreme Court in **Narinder Singh v. State of Punjab (SC)** reported in **2014 (2) MWN (Criminal) 134**, this petition can be entertained on the basis of the compromise memo.

5. The petitioners, who are accused Nos.1 to 3 and the second respondent herein, who is the defacto complainant, appears to have compromised the matter by settling their dispute outside the Court. A Joint Compromise Memo, dated 11.07.2017, has been filed before this Court signed by the parties and counter signed by the counsel appearing for the respective parties. The compromise memo disclosed that the petitioners, namely, the accused and the second respondent have resolved their dispute amicably. The defacto complainant also states that he would like to compound the offence and therefore, has no objection for quashing the F.I.R.

6. The parties, namely, the petitioners as well as the defacto complainant are present before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo dated 11.07.2017, on their own 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 Government Advocate (Criminal side) through the first respondent police.

7. Having regard to the specific clause in the compromise memo, that the parties have settled the dispute amicably and that the defacto complainant has no objection to quash the F.I.R., this Court is of the view that no purpose will be served in keeping this matter pending. Hence, recording the compromise, the Criminal Original Petition to quash the F.I.R. in Crime No.97 of 2017 on the file of the first respondent is allowed and as a result F.I.R. in Crime No.97 of 2017 is quashed and the joint compromise memo dated 11.07.2017 signed by the parties shall form part of this order.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1. The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.

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

+1cc to Mr.S.Poorna Chandran, Advocate Sr.No.66361

SJ/VSG

VB/MR/KKR/SAR4/26.07.2017/2P/4C

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