



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.9349 of 2017

1. Shanmuganathan
2. Athiveerapandian ... Petitioner/Accused 1 & 2

-Vs-

1. State rep. by,
The Inspector of Police,
Bazaar Police Station,
Ramathapuram District.
(In Crime No.223 of 2017) ... 1st Respondent/Complainant

2. Uma Maheswaran ... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, call for records relating to the Impugned FIR in Crime No.223/2017 dated 01.05.2017 on the file of the first respondent and to quash the same as illegal, improper and arbitrary.

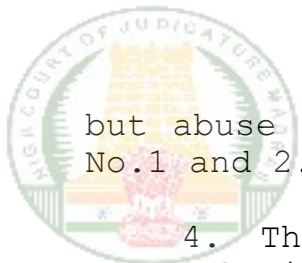
For Petitioners : Mr.R.Murugan
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.side).

ORDER

This Criminal Original petition is filed to call for records relating to the impugned First Information Report in Crime No.223 of 2017, dated 01.05.2017, on the file of the first respondent and to quash the same as illegal, improper and arbitrary.

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

3. Based on the information furnished by the second respondent, the first respondent has registered First Information Report in Crime No.223 of 2017, for the offences under Sections 294(b), 323, 324 & 307 of IPC. It is stated that the FIR in Crime No.223 of 2017 was falsely registered based on a wrong information and that a case was registered by the first respondent without verifying the veracity of the petition submitted by the second respondent. It is also stated that the impugned First Information Report is nothing



but abuse of process of law. The petitioners were shown as Accused No.1 and 2.

4. The petitioners and the defacto complainant have entered into a Joint Compromise Memo dated 17.07.2017, stating that the petitioners and the defacto-complainant are very close relatives and that the dispute among them was resolved and amicably settled at the intervention of their relatives, friends and well wishers of their village. The first respondent and defacto complainant are present before this Court today and they did not want to continue the proceedings and want to maintain the relationship between them. It is stated that the criminal case was hurriedly registered without verifying the veracity of the petition. It is stated that they have entered into a Joint Compromise Memo, so as to quash the First Information Report in Crime No.223 of 2017 on the file of the first respondent police. Today, the parties appeared before this Court and submitted that the Joint Compromise Memo signed by them was 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 concerned police.

5. Having regard to the Joint Compromise Memo, dated 17.07.2017, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, on the basis of the Joint Compromise Memo signed by the parties, the First Information Report in Crime No.223 of 2017, on the file of the first respondent is quashed in toto and the Joint Compromise Memo signed by the parties shall form part of this order.

6. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Bazaar Police Station,
Ramathapuram District.

+ 1 CC TO Mr.R.MURUGAN, ADVOCATE IN SR No. 66697

CMR

TE/SV/SAR-I : 27/07/2017 : 2P/3C