



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.9686 of 2017

1.A.P.Krishnamoorthy

2.A.P.Ragu @ Ragunathan

3.Sudhakaran

4.Subash

...Petitioners/Accused No.1 to 4

Vs.

1.The State, represented by
The Inspector of Police,
Gandhi Market Police Station
Trichy City.
(Crime No.793/2017)

....Ist Respondent/Complainant

2.Jacky @ Jayakumar

...IInd Respondent/De-facto
Complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying this Court to call for the records in connection with Crime No.793 of 2017, on the file of first respondent Police and to quash the same.

For Petitioners	: M/s.K.M.Karunakaran
For Respondent-1	: Mr.K.Anbarasan Govt. Advocate (Crl.Side)
For Respondent-2	: Mr.S.T.Sasidharan Tamilkani

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.793 of 2017, on the file of first respondent Police

2.Heard the submissions of Mr.K.M.Karunakaran, learned counsel for the Petitioners and Mr.K.Anbarasan, learned Government Advocate(Crl.side)appearing for the first respondent/State and Mr.S.T.Sasidharan Tamilkani, learned counsel appearing for the second respondent and perused the materials placed before this Court including the joint compromise memo filed by both the parties.



3. The Petitioners are accused No.1 to 4 in Crime No.793 of 2017. On the basis of the complaint given by the second respondent/de-facto complainant, a case in Crime No.793 of 2017 was registered for the offence under Sections 294(b), 323, 427 and 506(ii) of IPC. The dispute was regarding the conduct of a temple festival. It is stated that a small scuffle between one Asai Thambi and the Petitioners and a criminal case was registered. However, the parties namely, the Petitioners and the second respondent/de-facto complainant have stated that they have settled their dispute out of Court. They have entered into a compromise, dated 24.7.2017 and file the same before this Court today. As per the joint compromise memo, the parties have agreed not to proceed further and that the second respondent is agreeable to quash the proceedings in Cr.No.793 of 2017. The parties have appeared before this Court today and expressed in unequivocal terms that they have signed the joint compromise memo on their free will and volition. The identity of the parties are verified with reference to the authenticated documents produced before this Court by the parties concerned. The identity of the parties are also confirmed by the learned Government Advocate (Crl.Side) through the first respondent/Police.

4. Though the fourth Petitioner has produced only xerox copy of the Aadhar Card, the learned Government Advocate(Crl.Side), on instructions from the first respondent/Police, stated that the identity of the fourth accused is also confirmed as the person who has been accused in the criminal case. There is no serious material to suspect the identity of the fourth Petitioner. Hence this Court is of the view that the joint compromise memo signed by the parties can be acted upon.

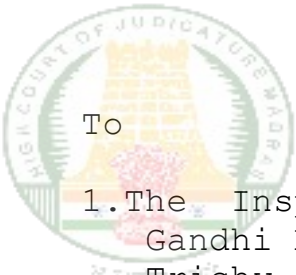
5. Hence, in view of the terms of joint compromise memo entered between the Petitioners and the second respondent/de-facto complainant, this Court is of the view that no useful purpose will be served in keeping this petition pending. Hence, in the circumstances stated above, this Court is inclined to quash the FIR registered against the Petitioners on the basis of the Joint Compromise Memo, dated 24.07.2017, filed by both the parties.

6. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No. 793 of 2017, pending on the file of the respondent No.1/ Police is quashed. The Joint compromise memo, dated 24.07.2017 shall form part and parcel of this order.

Sd/-

Assistant Registrar(Crl side)

/True Copy/



To

1.The Inspector of Police,
Gandhi Market Police Station
Trichy City.

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

+1cc to M/S.K.M.Karunakaran, Advocate SR.No. 68056

+1cc to M/S.S.T.Sasidharan Tamilkani, Advocate SR.No. 67852

ORDER MADE IN
CRL.OP.(MD)No.9686 of 2017
26.07.2017

vsn

JM/MR KKR/SAR 2/02.08.2017/3P/5C