



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.23602 of 2016

1.Periyaraj
2.Saravanakumar
(wrongly mentioned as Thuppakki
Saravanan in FIR)
3.Johnson @ Johnson Arockiaraj
4.Chellappan
5.Warrior
6.Ashok @ Ashokan : Petitioners/Accused 1 to 6

-Vs-

1. State
rep.by the Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
(Crime No.1048/2016) : Respondent/Complainant

2. Subbiah : Respondent/Defacto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to FIR in Crime No.1048 of 2016 dated 09.09.2016 on the file of the the Inspector of Police, Thoothukudi South Police Station, Thoothukudi and quash the same.

For Petitioner : Mr.P. Chellapandian

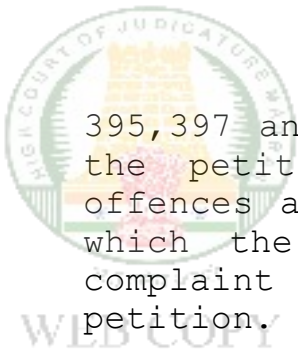
For Respondent No.1 : Mr.K.S.. Durai Pandian
Additional Public Prosecutor

For Respondent No.2 : Mr. K.G. Arunkumar

O R D E R

This petition is filed for quashing the First Information Report in Crime No. 1048 of 2016 dated 09.09.2016.

2. The petitioners are accused Nos.1 to 6 in the First Information Report in Crime No. 1048 of 2016. The case was registered for the offences under Sections 147,148,294(b),364-A,
<https://hcservices.ecourts.gov.in/hcservices/>



395, 397 and 506(ii) of IPC on 09.09.2016. As per the complaint, the petitioners have committed serious offences. Since the offences are under Sections 395 and 397 of IPC and the manner in which the petitioners have committed the offence as per the complaint shirks the conscience of this Court to entertain this petition.

3. The learned counsel appearing for the petitioners and the second respondent have produced a joint compromise memo in which the parties have signed. As per the memo, the second respondent has expressed his readiness and willingness to compromise the case and requested this Court to quash the FIR in Crime No.1048 of 2016. Since the petitioners committed serious offences as per the complaint, this Court after dictating the order based on the compromise memo, directed the learned Government Advocate (Crl.side) appearing before this Court to file a status report. Today, the learned Additional Public Prosecutor filed a status report tabulating the various crimes in which the petitioners are found to have involved. Almost as against each of the petitioners several cases are pending before various police stations. Hence, this Court is not inclined to quash the petition based on the joint compromise memo filed by the learned counsel appearing for the petitioners and the second respondent / de facto complainant and signed by the petitioners and the de facto complainant.

4. In this case, the First Information Report disclose the commission of offence. The petitioners have appeared to have criminals background and they are involved in various cases. Hence, it will not be in the Public Interest to entertain the compromise to quash the criminal complaint, which is registered for non compoundable offences. Since the offences are serious quashing of criminal complaint based on the compromise memo the de facto complainant entered into with the accused cannot be allowed. Hence, the Criminal Original Petition is dismissed. The respondents are directed to file a final report after conducting the investigation in accordance with law.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1.State the Inspector of Police,
Thoothukudi South Police Station,



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

Trp

AE/KK/SAR1/27.10.2017/3P/3C

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