



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAMCrl.O.P.(MD) Nos.1609 and 1610 of 2018**Crl.O.P. (MD) No.1609 of 2018**

1.Rajaram
2.Radhakrishnan
3.Chandralekha

..Petitioners / Accused 2, 3 and 5

-Vs-

1. The State Rep. by
The Sub-Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

.. Respondent/ Complainant

2.Sridharan

3.Suyambulingam

.. Respondents/ Defacto
Complainants

(Third respondent impleaded vide
order dated 02.02.2018, made in
Crl.O.P.(MD) No.1609 of 2018)

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, calling for records in Crime No.869 of 2015 on the respondent police and quash the same.

For Petitioners : Mr.R.Russel Raj
For R-1 : Mr.Prabu Ramachandran
Government Advocate (Crl.side)
For R-2 and R3 : Mr.C.P.Sree Bala Senthilkumar
(Impleading Party)

Crl.O.P. (MD) No.1610 of 2018

1.Sabith
2.Sridharan
3.Suyambulingam

..Petitioners/Accused 1 to 3

-Vs-

1. The State Rep. by



The Sub-Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

.. Respondent/ Complainant

2.Rajaram

.. Respondent/ Defacto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, calling for records in Crime No.870 of 2015 on the respondent police and quash the same.

For Petitioners	: Mr.C.P.Sree Bala Senthilkumar
For R-1	: Mr.Prabu Ramachandran Government Advocate (Crl.side)
For R-2	: Mr.R.Russel Raj

COMMON ORDER

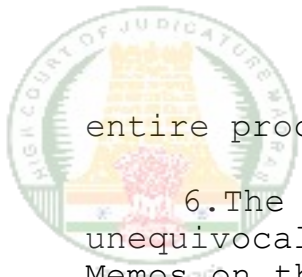
These Criminal Original petitions in Crl.OP(MD) Nos.1609 and 1610 of 2018 have been filed to quash the FIRs in Crime Nos.869 and 870 of 2015 on the file of the first respondent police, as against the petitioners.

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

3.The petitioners in Crl.OP(MD)No.1609 of 2018 are the accused Nos.2, 3 and 5 in Crime No.869 of 2015 and similarly the petitioners in Crl.OP(MD)No.1610 of 2018 are the accused Nos.1 to 3 in Crime No.870 of 2015. The second and third petitioners in Crl.OP(MD) No.1610 of 2018 are the de-facto complainant in Crl.OP(MD) No.1609 of 2018 and similarly the first petitioner in Crl.OP(MD) No.1609 of 2018 is the de-facto complainant in Crl.OP(MD) No.1610 of 2018.

4.The complaint in Crime No.869 of 2015 was registered for the offences punishable under Sections 147, 294(b), 323 and 506(ii) IPC, on the file of the first respondent police. Similarly, the complaint in Crime No.870 of 2015 was registered for the offences punishable under Sections 294(b), 323 and 506(ii) IPC, on the file of the first respondent police.

5.It appears that at the advise of the elders and friends, the petitioners and second respondent in both the cases have agreed to compromise the matter, out of Court. A Joint Compromise Memos, dated 30.01.2018, are also filed to that effect. As per the Joint Compromise Memos, the de-facto complainant, namely, the second respondent, in both cases, have given their consent to quash the



entire proceedings in Crime Nos.869 and 870 of 2015.

6.The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memos on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identities of the parties are also confirmed by the learned Government Advocate through the first respondent police.

7.Having regard to the agreement made between the parties, this Court is of the view that no useful purpose will be served by keeping these matters pending. As per the Compromise Memos signed by the parties, the de-facto complainant, namely, the second respondent in both cases have agreed to quash the proceedings in Crime Nos.869 and 870 of 2015. Hence FIR in Crime No.869 of 2015 is quashed against the accused No.2, 3 and 5 are concerned, FIR in Crime No.870 of 2015 is quashed in toto, on the file of the first respondent, namely, the Sub-Inspector of Police, Eraniel Police Station, Kanyakumar District and the Joint Compromise Memos signed by the parties shall form part of the order.

8. Accordingly, these Criminal Original petitions are allowed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

Encl.: Xerox Copy of Compromise Memo
To

1. The Sub-Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cp/das
MK/SKN RSK/SAR 1/22.03.2018/3P/3C

Crl.O.P.(MD) Nos.1609 and
1610 of 2018
02.02.2018