



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

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THE HONOURABLE MR.JUSTICE P.RAJAMANICKAMCr1.O.P.(MD) No.1851 of 2018

Chelladurai

...Petitioner/Sole Accused

-Vs-

1.State Represented by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Cr.No.26 of 2018)

...1st Respondent/Complainant

2.Sivasuriyan

...2nd Respondent/ Defacto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to F.I.R in Crime No.26 of 2018 on the file of the first respondent police and quash the same.

For Petitioner : Mr.S.Krishnan

For 1stRespondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.side)For 2nd Respondent : Mr.M.MurugesanORDER

This Criminal Original Petition has been filed to call for the records relating to F.I.R in Crime No.26 of 2018 on the file of the first respondent police and quash the same.

2.Heard the learned counsel appearing for the petitioner, learned Government Advocate (Cr1.side) appearing for the first respondent and the learned counsel appearing for the second respondent.



3.The petitioner is the sole accused in Crime No.26 of 2018, on the file of the first respondent police. Based on the complaint lodged by the second respondent, a case was registered for the offences punishable under Sections 294 (b) and 506 (ii) of I.P.C.

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4.It appears that the petitioner and the second respondent, namely, the de-facto complainant have settled their dispute amicably out of Court and they have also entered into a compromise, on the advise of elders and their relatives. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also produced before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent, has no objection for quashing the complaint from the file of the first respondent police.

5.The parties have appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free 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 (Crl.side) through the first respondent police.

6.Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the complaint in crime No.26 of 2018 on the file of the first respondent police, against the accused, is quashed in respect of the petitioner alone. The Joint Compromise Memo signed by the parties shall form part of the order.

7.Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

(*)JOINT COMPROMISE MEMO XEROX COPY IS ENCLOSED HERewith

To

1.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+One cc to Mr.S.Krishnan, Advocate, SR.No.46830
das
RL/4C/2P/SV/MMS/SAR2/7/3/2018

Crl.O.P.(MD) No. 1851 of 2018