



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.2490 of 2018

- 1.Periya Raja
- 2.Mayilerum Perumal
- 3.Vinoth
- 4.Moorthy
- 5.Ganesa Sundaram

... Petitioners/Accused Nos.1 to 5

-Vs-

1. The State represented by its,
The Sub-Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District,
(In Crime No.888 of 2017) ... 1st Respondent/Complainant
2. Jim Reeves ... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records relating to the entire proceedings of the impugned FIR in Cr.No.888 of 2017 on the file of the 1st respondent and to quash the same.

For Petitioners	: Mr.M.S.Jeyakarthick
For R-1	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.Side)
For R-2	: Mr.N.Ramesh Arumugam

ORDER

This Criminal Original petition has been filed to quash the FIR in Cr.No.888 of 2017 on the file of the 1st respondent.

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 are accused Nos.1 to 5 in Crime No.888 of 2017. The second respondent is the defacto complainant in the above said crime number. The complaint in Crime No.888 of 2017 was registered for the offences punishable under Sections 147, 294(b), 341, 352 and 506(ii) I.P.C and Section 3 of Tamil Nadu Public



Property (Prevention of Damage and Loss) Act, 1992 on the file of the first respondent police. The petitioners are arrayed as accused 1 to 5 in the above said crime number. The first respondent is investigating the matter.

4. In the meanwhile, it appears that at the advise of the elders and friends, the petitioners and second respondent have agreed to compromise the matter, out of Court. A joint Compromise Memo, dated 18.12.2017 is also filed to that effect. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has given his consent to quash the proceedings in Cr.No.888 of 2017 on the file of the 1st respondent, in respect of these petitioners.

5. The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo 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 (CrI.Side) through the first respondent police.

6. 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 Memo signed by the parties, the de-facto complainant, namely, the second respondent has agreed to quash the proceedings in Cr.No.888 of 2017 on the file of the 1st respondent. Hence the criminal proceedings in Cr.No.888 of 2017 on the file of the 1st respondent are quashed in respect of these petitioners and the Joint Compromise Memo signed by the parties shall form part of the order.

7. Accordingly, this Criminal Original petition is allowed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

Encl.: Xerox copy of Compromise Memo

To

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