



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM

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THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.3267 of 2018

Karuppaiah

..Petitioner/ Sole Accused

-Vs-

1.State Represented by

The Sub-Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
(Cr.No.44 of 2015)

...1st Respondent/ Complainant

2.Gangeshwari

... 2nd Respondent/ Defacto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Cr.No.44 of 2015 pending investigation on the file of the first respondent police and quash the same.

For Petitioners : Mr.S.Muniyandi

For Respondents : Mr.Prabu Ramachandran
Government Advocate (Crl.side)
for R1
: Mr.V.Ramalingam
For R2

ORDER

The Criminal Original Petition has been filed to quash in Cr.No.44 of 2015 pending investigation on the file of the first respondent police and quash the same.

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

3.The petitioner is sole accused in Crime No.44 of 2015. Based on the complaint lodged by the second respondent, a case was registered for the offences punishable under Sections 307 IPC r/w 25 (a), 28 of Indian Arms Act, 1959.



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 FIR in Cr.No. 44 of 2015 on the file of the first respondent.

5.The parties 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 and also the fact that the petitioner and second respondent are husband and wife. This Court is of the view that no useful purpose will be served by keeping this matter pending. Hence the FIR in Cr.No.44 of 2015 on the file of the first respondent / The Sub-Inspector of Police, M.Kallupatti Police Station, Madurai District, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order. As per the terms of compromise, the petitioner should not seek renewal of license for rifle.

7.Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

(*)JOINT COMPROMISE MEMO FILED DATED 7/2/2018

To

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

Rmk

RL/3C/2P/JC/SAR1/5/4/2018

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