



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**

Crl.O.P.(MD) No.3425 of 2018

1.Mohamed Thasim
2.Anwar Bismi
3.Imthiyas
4.Bathusha
5.Mahaboob Khan
6.Noorul Hameed ...Petitioners
(petitioners.2 to 6 are impleaded as per order dated 20.03.2018.)

-Vs-

1. State through the Inspector of Police,
Melapalayam Police Station,
Tirunelveli City, Tirunelveli.
(Crime No.2 of 2018) ... Respondent/Complainant

2.Nagoor Kani ... Respondent/ Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records of First Information Report in Crime No.2 of 2018 on the file of the respondent No.1 and and quash the same as illegal.

For Petitioners : Mr.S.M.A.Jinnah

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

For R-2 : Mr.M.Kavshikan

ORDER

This Criminal Original Petition has been filed to call for the records in connection with the First Information Report in Crime No.2 of 2018 on the file of the first respondent and quash the same.

<https://hcservices.courts.gov.in/hcservices/>
2. Per 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 petitioners are accused in Crime No.2 of 2018. Based on the complaint lodged by the second respondent, against the petitioners, the case was registered in Crime No.2 of 2018 on the file of the first respondent police, for the offence punishable under Sections 147, 148, 294(b), 352, 506(ii) IPC.

4.The learned Government Advocate (Crl.Side) has submitted that in the above matter already charge sheet has been filed before the learned Judicial Magistrate No.V, Tirunelveli on 23.02.2018, but sofar, the case was not taken on file. He has also produced a copy of the said charge sheet. In the FIR, the name of the first petitioner alone has been mentioned and subsequently, the name of other petitioners have been mentioned in the charge sheet.

5.It appears that on the advice of friends and elders, the parties have entered into compromise and a Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also filed. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has agreed to quash the First Information Report in Crime No.2 of 2018.

6.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.

7.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 First Information Report in Crime No.2 of 2018, on the file of the first respondent police, is quashed in respect of the petitioners herein. The Joint Compromise Memo signed by the parties shall form part of the order.

8.Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City, Tirunelveli.

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

+ 1 cc TO Mr.S.M.A.Jinnah , Advocate in SR No. 57237

das

AE/KKR/SAR1/25.04.2018/3P/4C

Cr1.O.P.(MD) No.3425 of 2018
20.03.2018