



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**Crl.O.P.(MD) No.3525 of 2018

R.Prabhu

...Petitioner

-Vs-

State represented by

1. The Inspector of Police,
Periyakulam Police Station,
Theni District.
(Crime No.25 of 2018)

... Respondent/Complainant

2.Siva Prakash

... Respondent/ Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to quash the First Information Report in Crime No.25 of 2018 on the file of the 1st respondent.

For Petitioner	: Mr.C.M.Arumugam
For 1 st Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.Side)
For R 2	: A.Joseph Jerry

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.25 of 2018 dated 16.01.2018 on the file of the first respondent police.

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

3.The petitioner is an accused in Crime No.25 of 2018. Based on the complaint lodged by the second respondent, a case was registered in Crime No.25 of 2018 on the file of the first respondent police, for the offence punishable under Sections 147, 148, 294(b), 336, 506(2) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, against the petitioner and 20 others.



4.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. Mr.Maruthapandi, is also present, who is the owner of the car, which was damaged during the occurrence. He also signed in the compromise memo. 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.25 of 2018.

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 (Cr1.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 First Information Report in Crime No.25 of 2018, on the file of the first respondent police, is quashed in respect of the petitioner herein 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(T&P)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of Joint Compromise Memo
To

1. The Inspector of Police,
Periyakulam Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.M.Arumugam, Advocate Sr.No.55527

DAS

VB/SKN/RSK/SAR1/04.04.2018/2P/4C