



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.(MD)No.22083 of 2018

Arumuga Nainar @ Ayyappan

.. Petitioner/Sole Accused

vs.

1.The State Rep. by its
The Inspector of Police
Veeravanallur Police Station
Tirunelveli District
Crime No. 223 of 2018

..1st Respondent/Complainant

2.Mariappan

..2nd Respondent/Defacto Complainant

3.The Superintendent
Central Prison
Palayamkottai
Tirunelveli District

..3rd Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the impugned FIR registered in Crime No.223 of 2018 dated 12.06.2018 on the file of the first respondent and to quash the same and set liberty the petitioner forthwith namely Arumuga Nainar @ Arumugam, S/o. Mookan now confined at Central Prison, Palayamkottai, Tirunelveli District.

For Petitioner : Mr.S.Krishnan

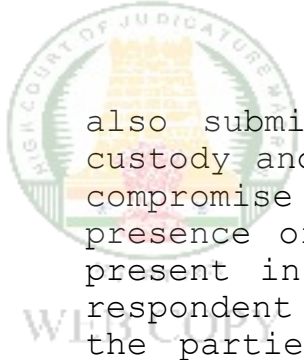
For R1& R3 : Mr.A.Robinson
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in First Information Report in Crime No.223 of 2018 dated 12.06.2018 on the file of the first respondent

2.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The learned counsel for the petitioner would submit that the petitioner and the second respondent/defacto complainant are close relatives. He would also submit that after registering the case the family members of the petitioners and as well as the second respondent have entered into compromise and the petitioner has also paid Rs.45,000/- in respect of missing jewels. He would



also submit that subsequent to the arrest the petitioner is in custody and the petition has been filed from Jail and the memo of compromise has been signed by both parties in the jail in the presence of the third respondent. The second respondent is also present in person before this Court and he was identified by the respondent police. This Court also enquired the counsel for both the parties and the second respondent and is satisfied that the parties have come to an amicable settlement between themselves. There is no other case pending against the petitioner.

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in First Information Report in Crime No.223 of 2018 pending. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 (9) SCC 641 (*Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*), and this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in S.C.No.145 of 2018 as against the petitioner herein.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in First Information Report in Crime No.223 of 2018 on the file of the first respondent is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The learned counsel for the petitioner shall take immediate steps to file appropriate petition before the Magistrate Court seeking for relief for release of the petitioner from Jail.

Sd/

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar(CS-IV)

Encl:Xerox Copy of Joint Compromise Memo.

To

- 1.The Inspector of Police
Veeravanallur Police Station
Tirunelveli District
2. The Judicial Magistrate
Cheranmahadevi
Tirunelveli District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Krishnan, Advocate, SR.No.100554

Cr1.O.P. (MD) No.22083 of 2018

AAV

<https://hcservices.ecourts.gov.in/hcservices/>

KK/RSR/SAR-4/17.12.2018/2P-5C