



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.02.2018

CORAM

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THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Cr1.O.P. (MD) No.7396 of 2013

1.K.Kannappan

2.Anandh

3.Prabhu @ Ramakrishnan

4.Kannan

... Petitioners/Accused 1 to 4

Vs.

1. State Rep. by

The Inspector of Police,

Ethamozhy Police Station,

Kanyakumari District.

(Crime No.80 of 2013)

... 1st Respondent/Complainant

2.J.Antony Savior

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.80 of 2013, pending investigation on the file of the first respondent police and quash the same.

For Petitioners : Mr.P.T.Ramesh Raja

For R1 : Mr.A.Robinson
Government Advocate
(Criminal side)

For R2 : Mr.R.Pon Karthikeyan

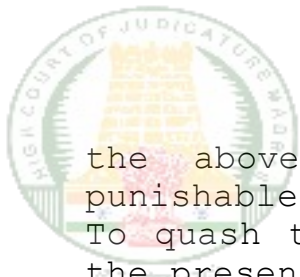
ORDER

The present Criminal Original Petition has been filed by the petitioners to quash the proceedings relating to Crime No.80 of 2013, pending on the file of the first respondent police.

2.The petitioners herein are Accused Nos.1 to 4 in Crime No.80 of 2013 on the file of the first respondent police. The second respondent herein is the de-facto complainant.

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

3.Based on the complaint given by the second respondent as against the petitioners on the allegation of attempt to murder,



the abovesaid case was registered for the alleged offences punishable under Sections 341, 294(b), 307, 427 and 506(ii) IPC. To quash the said proceedings, the petitioners have come up with the present Criminal Original Petition.

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4.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners as well as the learned counsel appearing for the second respondent represented that the dispute between the parties was amicably settled. In this regard, the second respondent and the petitioners have filed a Memo of Compromise, dated 29.04.2013, before this Court stating that they have entered into compromise. The said Memo of Compromise, dated 29.04.2013, is placed on record.

5.However, the learned Government Advocate (Criminal side) appearing for the State opposed to quash the FIR stating that the said complaint has been registered under the provision punishable under Section 307 IPC, which is non-compoundable in nature.

6.Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

7.Considering the facts and circumstances of the case and also considering the fact that since the petitioners and the second respondent have amicably settled the dispute between themselves by entering into a compromise, I am of the opinion that the FIR in Crime No.80 of 2013, pending on the file of the first respondent police could be quashed insofar as the petitioners are concerned, by relying the judgment of our Hon'ble Apex Court in **Narinder Singh Vs. State of Punjab** reported in **2014 (3) SCC (Cri) 54**. Further, in this case, the possibility of conviction will be remote and bleak. Moreover, it is unnecessary to drag on the proceedings of the present case, which would cause great oppression and prejudice and extreme injustice to the petitioners, if the FIR is not quashed.

8.In fine, the FIR in Crime No.80 of 2013 pending on the file of the first respondent police is quashed insofar as the petitioners are concerned and the Criminal Original Petition is allowed. The compromise memo, dated 29.04.2013, shall form part of this order.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar



To

1. The Inspector of Police,
Ethamozhy Police Station,
Kanyakumari District.

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

+ 1 cc TO Mr.P.T.Ramesh Raja , Advocate in SR No. 46117

smn2

AE/KKR/SAR2/15.02.2018/3P/4C

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