

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.07.2019

CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17390 of 2019

Karthik

...Petitioner

vs.

- 1.The State Rep. by the
Inspector of Police,
Bangalapudur Police Station,
Erode. ... 1st respondent / Complainant
2. Kumar ... 2nd respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First Information Report dated 05.06.2019 in Crime No.203 of 2019 on the file of the 1st respondent and quash the same based on the memo of compromise dated 18.06.2019 entered between the petitioner's family and the 2nd respondent and his family members.

For Petitioner: Mr.C.Prabakaran

For Respondent: Mr.M.Mohammed Riyaz
for R1 Additional Public Prosecutor

For Respondent2:Mr.R.Prabakar and
Mr.P.Elango.

ORDER

The Criminal Original Petition has been filed to quash the investigation in Crime No.203 of 2019, pending on the file of the 1st respondent.

2. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. It is reported that the petitioner has been arrested and is a jail prisoner at District Jail, Gobichettipalayam.

3. A Joint compromise Memo dated 18.06.2019 has been filed by the petitioner's family and the second respondent/de-facto complainant family before this Court. The petitioner's family and the second respondent /defacto complainant were also present in person before this Court . In order to identity the

respective parties, they have also produced the copy of the Aadhaar Card, which is made part of the record. In the Memo, it has been stated that the petitioner's family and the second respondent's family had entered into a compromise and amicably settled their issues in Crime No.203 of 2019. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.203 of 2019.

5. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.203 of 2019, is hereby quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. In view of the quashing of the FIR, the Superintendent of Prisons, District Jail, Gobichettipalayam is directed to immediately release the petitioner. The petitioner shall pay a sum of Rs.1,000/- (Rupees One thousand only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of one week from the date of receipt of copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rka

1. The Superintendent of Prisons,
District Jail, Gobichettipalayam
2. The Inspector of Police,
Bangalapudur Police Station, Erode.
3. The Public Prosecutor
High Court of Madras.

+2ccs to Mr.C.Prabakaran, Advocate, S.R.No.56378

Cr1.O.P No.17390 of 2019

CP(CO)
RRS(05/07/2019)