

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.32125 of 2019

1.A.Rajasekar
2.Thamizh Vani
3.Sindhu

...Petitioners

Vs.

1. The State, represented by,
The Inspector of Police,
Thiruvalem, Katpadi,
Vellore District.

2.R.Mohandoss

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and to quash an FIR in Crime No.252 of 2018 on the file of the Inspector of Police, Thiruvalem Police Station, Vellore District, in pursuance to the compromise entered into between the petitioners and 2nd respondent.

For Petitioners : Mr.V.Nithyanandam
For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1

ORDER

The First Information Report filed under Section 174(3) of the Criminal Procedure Code is put under challenge in the present petition.

2. The learned Additional Public Prosecutor would submit that pursuant to the investigation, the petitioners herein are proposed to be charged under Section 498A and 306 IPC and though they have already laid the charge sheet, it is yet to be taken on file.

3. The petitioners herein as well as the defacto complainant, who is the father of the deceased, have arrived into an amicable settlement and have filed a Joint Compromise Memo before this Court.

4. Quashing of the FIR on the basis of a compromise memo for the offences under Sections 498A and 306, may not be appropriate, since there are no sufficient materials to prove the veracity of the complaint as well as the subsequent investigation done. In view of the fact that the offence under Section 306 is non-compoundable, it would not be appropriate for this Court to quash the proceedings at this stage.

5. The learned counsel for the petitioners also relied upon a decision of this Court passed in CrI.O.P.No.8060 of 2018 dated 23.02.2018, wherein the investigation in FIR No.20 of 2018 came to be quashed, on the basis of the Joint Compromise. A perusal of the aforesaid Judgment reveals that there was supporting materials of the suicide note along with the investigation and based on the same, the Court had analysed the situation and had thereby permitted to have the proceedings quashed.

6. In the instant case, apart from the complaint, there are no other materials to evaluate the merits of the case. As such, if at all the petitioners are of the view that the proceedings could be quashed on the basis of a compromise memo, it can be done after the charge sheet is laid and taken on file by the jurisdictional Court.

7. In the light of the above observations, the criminal original petition stands closed, for the present, with liberty to the petitioners to approach this Court, after the charge sheet has been laid before the jurisdictional Court and taken on file.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

jas/hvk
To

1. The Inspector of Police,
Thiruvalam, Katpadi,
Vellore District.
2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.V.Nithyanandam, Advocate sr 99551.

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SP(19/12/2019)