



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE
Cr1.O.P.[MD]No.4769 of 2019

WEB COPY

Ramesh

: Petitioner

Vs.

1.The State rep by its
Inspector of Police,
Surandai Police Station,
Tirunelveli District.
(Crime No.90 of 2019)

: 1st Respondent / Complainant

2.Duraisamy

: 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.90 of 2019 on the file of the respondent police and quash the same against the petitioner.

For Petitioner	: Mr.S.Sivakumar
For R-1	: Mr.V.Neelakandan, Additional Public Prosecutor.
For R-2	: Mr.T.Jeen Felix

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.90 of 2019 on the file of the first respondent police, registered for the alleged offence under Sections 448, 294(b), 506 (2) IPC r/w Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The offence is chiefly private in nature.

2. The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.M.Thangarajan, Special Sub-Inspector of Police, Sivagangai Town Police Station, Sivagangai District, Contact No.83000 02020. 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 proceedings pending, even though, the offence involved is not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in ***the State of Madhya Pradesh Vs. Laxmi Narayan & Others*** [CDJ 2019 SC 264] and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** [(2017) 9 SCC 641], this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.90 of 2019 on the file of the first respondent police.

5. It is submitted that Rs.50,000/-, which was agreed to be deposited in the Magistrate Court as part of the condition imposed by the Magistrate at the time of granting bail to the petitioner, which is lying in the Magistrate Court, is required to be disbursed to the second respondent / defacto complainant. The second respondent may now move the learned Magistrate, before whom the amount is lying in the Court deposit for getting the amount be disbursed.

6. This Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No. 90 of 2019 on the file of the first respondent police is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner shall pay a sum of Rs.1,000/-, as costs, to the credit of the "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, SBI, Periyakulam), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

Encl:Xerox copy of Joint Compromise Memo

To

1.The Inspector of Police,
Surandai Police Station,
Tirunelveli District.



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

Copy to

WEB COPY The District Siddha Medical Officer
CCRI, Periyakulam

+2 CC to M/s.S.SIVA KUMAR, Advocate(SR-59004[F] dated
04/04/2019)

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