



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

CrI.O.P. [MD] No. 4826 of 2019

WEB COPY

1. Ayyappan

2. Selvam

: Petitioners

Vs.

1. The State through

The Inspector of Police,
Thirukkurugudi Police Station,
Tirunelveli District.
(Crime No. 160 of 2012)

: 1st Respondent / Complainant

2. Rajapandian

: 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to Crime No. 160 of 2012, on the file of the first respondent and quash the same.

For Petitioners : Mr. M. Subash Babu,
For R-1 : Mr. V. Neelakandan,
Additional Public Prosecutor.

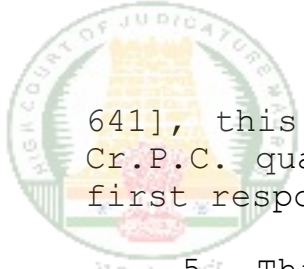
ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No. 160 of 2012 on the file of the first respondent police, for the alleged offences under Sections 420, 294(b) and 506(i) IPC. 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 petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr. M. Gurusamy, Sub-Inspector of Police, Eruvadi Police Station, Tirunelveli District, Contact No. 94981 93523. 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 Gujrat [(2017) 9 SCC



641], this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.160 of 2012 on the file of the first respondent police.

5. This Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No. 160 of 2012 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 petitioners shall pay a sum of Rs.1,000/-, each 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(Writs)

/TRUE COPY/

Sub Assistant Registrar(CS)

Encl.:Xerox Copy of Joint Compromise Memo.

To

1. The Inspector of Police,
Thirukkurangudi Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

1. The District Siddha Medical Officer,
CCRI, Periyakulam.
2. The Section Officer,
Criminal Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.SUBASH BABU, Advocate (SR-58014[F] dated 01/04/2019)

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SP:06/05/2019/2P/7C