



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRL.O.P. (MD) No.522 of 2019

1.Edwin
2.Robert
3.Justin : Petitioners / Accused Nos.1 to 3
-Vs-

1.State represented through the Inspector of Police,
Asaripallam Police Station,
Kanyakumari District. : Respondent / Complainant
(Crime No.222 of 2017)

2.Maharaja Kumar : Respondent / De facto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records of First Information Report in Crime No.222 of 2017, on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.R.Anand
for M/s.M.Maharaja
For R1 : Mr.V.Neelakandan
Additional Public Prosecutor
For R2 : Mr.P.Venkata Subramanian

O R D E R

The Criminal Original Petition has been filed to quash the F.I.R. in Crime No.222 of 2017, dated 23.12.2017, pending on the file of the respondent Police for the alleged offences under Sections 294(b), 323, 332, 307 and 506 (ii) I.P.C. The offences are primarily private in nature.

2. This is a case of simple injury. The case is still in the stage of investigation. Even though in the First Information Report includes the offence one under Section 307 I.P.C., there are no major injuries and no wound is said to have been caused. 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.R.Kingsly Felix, the Inspector of Police, Asaripallam Police Station, Kanyakumari District. 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 offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath** [(2017) 9 SCC 641] and **The State of Madhya Pradesh Vs. Laxmi Narayan & Others** [CDJ 2019 SC 264], this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the F.I.R. in Crime No.222 of 2017, dated 23.12.2017, pending on the file of the respondent Police.

5. This Criminal Original Petition stands allowed and as a sequel, the F.I.R. in Crime No.222 of 2017, dated 23.12.2017, pending on the file of the respondent Police, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.1,000/- as costs, to the credit of "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, IFSC Code.SBIN 0000898, M.I.C.R. Code.625002601, State Bank of India, 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 (ADI)

// True Copy //

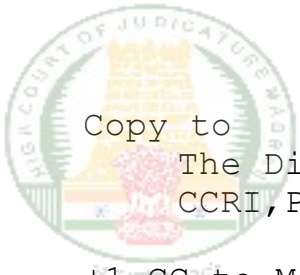
Sub Assistant Registrar (CS)

Encl:Xerox copy of Joint Compromise Memo

To

1. the Inspector of Police,
Asaripallam Police Station,
Kanyakumari District

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



Copy to
The District Siddha Medical Officer,
CCRI, Periyakulam.

+1 CC to M/s.M.MAHARAJA, Advocate (SR-55812[F] dated 21/03/2019)

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tsg

Order made in
CRL.O.P. (MD) No.522 of 2019
19.03.2019

KM/ (07.05.2019) 3P 5C