



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD) .Nos.12328 & 10059 of 2019

Crl.O.P. (MD) .No.12328 of 2019

Rajkumar ... Petitioner/Accused No.2

- Vs.

State rep. by

1.The Inspector of Police
Eraniel Police Station,
Kanyakumari District
in Crime No.315 of 2019.

... 1st Respondent/Complainant

2. Kalidhas,

... 3rd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to Call for the records in connection with the Crime No.315 of 2019 on the file of the 1st respondent police and quash the same as against the Petitioner.

For Petitioner : Mr. R.Velmurugan

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

For R2 : Mr.K.P.Krishnadass

Crl.O.P. (MD) .No. 10059 of 2019

1.Jayakumar
2.Jagadeesh
3.Kannan

... Petitioners/Accused 1, 3 & 4

Vs.

State rep. by

1.The Inspector of Police
Eraniel Police Station,
Kanyakumari District
(Cr.No.315/2019)

... 1st Respondent/Complainant

2. Kalidhas,

... 3rd Respondent/Defacto Complainant



PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in Cr.No.315 of 2019 on the file of the 1st respondent Police and quash the same.

WEB COPY For Petitioners : Mr.K.Prabhu

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

For R2 : Mr.K.P.Krishnadass

COMMON ORDER

These Criminal Original Petitions have been filed to quash the First Information Report in Crime No.315 of 2019, on the file of the first respondent police, for an alleged offences under Sections 294 (b), 324 and 506(ii) of IPC.

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.

3.A Joint Memo of Compromise have 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 the Special Sub-Inspector of Police. 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 is pending before the respondent police. 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 Gujrath**), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.315 of 2019 pending on the file of the first respondent police.

5.These Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime No.315 of 2019 , on the file of the first respondent police, is quashed and the terms of affidavit of the defacto complainant which shall form part and parcel of this order. The petitioners, in both petitions, shall jointly pay a sum of Rs.5000/- (Rupees Five 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 a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

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// True Copy //

Sd/-

Assistant Registrar (AD-II)

Sub Assistant Registrar(CS)

Encl:

Xerox copy of the Joint Compromise Memo.

To

1. The Inspector of Police
Eraniel Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.P.Krishnadass,Advocate, SR.No.85540

Crl.O.P. (MD) .Nos.12328 &
10059 of 2019
06.09.2019

Ls

JMN(25.09.2019) 3P : 5C