



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM:

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

Cr1.O.P.(MD).No.13245 of 2019

Kajamydeen ... Petitioner/Sole Accused

Vs.

1.State rep. by
The Inspector of Police,
Tenkasi Police Station
Tirunelveli City
(Crime No.309 of 2016) ... 1st Respondent/Complainant

2.Subbaiah Asari ... 2nd Respondents/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the FIR in Crime No. 309 of 2016 on the file of the first respondent police and quash the same.

For Petitioner : Mr.R.J.Karthik

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1. side)

For R-2 : Mr.O.Aiubo

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No. 309 of 2016, on the file of the first respondent police, for an alleged offences under Section 380 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 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.D.Samuel Jeyaraj, SSI 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 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No. 309 of 2016 pending on the file of the first respondent police.

5. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 309 of 2016, 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 petitioner shall 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.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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ENCL.: xerox copy of joint compromise memo.
To

1. The Inspector of Police,
Tenkasi Police Station, Tirunelveli City

COPY TO

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

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

+1CC TO MR.R.J.KARTHICK, Advocate Sr. No. 89133

Cr1.O.P. (MD) .No.13245 of 2019
24.09.2019

SRK(CO)

TR(10.10.2019) 2P 5C

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