



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.10.2019**

CORAM:

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

Crl.O.P. (MD)No.15739 of 2019

Sarham Hussein

...Petitioner/Sole Accused

Vs.

1.State Rep. By

The Inspector of Police,
Melur Town Police Station,
Melur, Madurai District.
(Crime No.472 of 2018

...1st Respondent/Complainant

2.Poosari Praveen @ Pranmalaiyan

...2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the case in Crime No.472 of 2018 on the file of the first respondent police and quash the same.

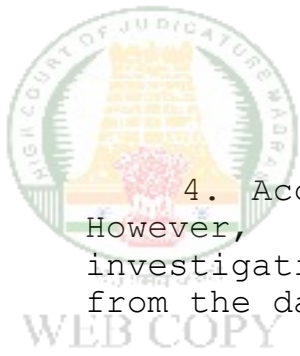
For Petitioner	:	Mr.A.Sheik Nasurdeen
For R1	:	Mr.K.Suyambulinga Bharathi Government Advocate(Crl.Side)
For R2	:	A.Malaimuthan

O R D E R

This petition has been filed to quash the FIR in Crime No.472 of 2018, for the offence under Section 387 of IPC, on the file of the first respondent police as against the petitioner.

2. The learned counsel for the petitioner would submit that the matter has been ended in compromise between the petitioner and the second respondent and they have also filed a joint compromise memo to that effect before this Court.

3. The learned Government Advocate (Crl.side) appearing for the first respondent would submit that the petitioner is a habitual offender. So far, he involved more than twelve cases. Therefore, he is not entitled for compromise quash. The Hon'ble Supreme Court of India repeatedly held that when considering the compromise between the accused and the *de facto* complainant, the court has to see the previous antecedent of the petitioner. The petitioner, admittedly, involved more than twelve cases and he is a habitual offender and as such, compromise cannot be considered by this Court.



4. Accordingly, this Criminal Original Petition is dismissed. However, the first respondent is directed to complete the investigation and file a final report within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

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

Cr1.O.P. (MD)No.15739 of 2019
31.10.2019

KM(CO)
TR(26.11.2019)2P 3C