



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2019

CORAM:

WEB COPY

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

Crl.O.P. (MD) .No.15452 of 2019

1. Bashir @ Bazeeerdeen
2.Babuji @ Sheik Ibrahim

... Petitioners
Accused No.4 & 5

Vs.

1.State rep. by
The Inspector of Police,
S.S.Colony Police Station
S.S Colony
Madurai District
(Crime No.559 2016)

: Respondent No.1/Complainant

2.Arockiya Doss

: 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to quash the First Information Report in Crime No.559 of 2016 pending on the file of the first respondent police station.

For Petitioners : Mr.R.Karunanithi

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

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No.559 of 2016, on the file of the first respondent police, for an alleged offences under Sections 147,148,341,294(b),323,324,427 r/w.109 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. The learned Government Advocate(Crl.Side) would submit that the respondent police completed investigation and filed final report before the concerned court.



4.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.Mahendran, SSI of Police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.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.559 of 2016 pending on the file of the first respondent police.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.559 of 2016, on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. The petitioners 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. Further it is made clear that since the First Information Report is quashed by this Court by way of compromise the subsequent proceedings also merged with the First Information Report as against the petitioners alone.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

aav

Enclose: Xerox copy of Joint Compromise Memo.



To

1. The Inspector of Police,
S.S.Colony Police Station
S.S Colony, Madurai 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.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate SR-94139.

**Crl.O.P. (MD) .No.15452 of 2019
24.10.2019**

CS (04.11.2019) 3P 7C