



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.16269 of 2019

1. Prem Kumar
2. Vinoth Kumar
3. Siva
4. Kannan
5. Rathinam @ Mayan ... petitioners/Accused 1 to 5

Vs.

1.State rep. by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
In Crime No.291 of 2016. ... Respondent/Complainant

2. Mookaiah ... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the case in Crime No.291 of 2016 on the file of the first respondent, quash the same.

For petitioners : Mr.N. Jeyaram Sidharth

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

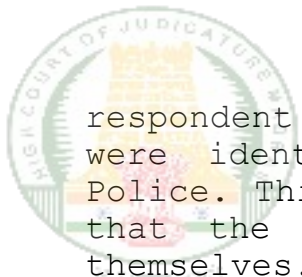
For R-2 : Mr.G.V. Selvan

ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime No.291 of 2016, on the file of the first respondent police, for an alleged offences under Sections 147, 148, 294(b), 323, 427 and 506(ii) of I.P.C.

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 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.V. Chelladurai, 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.

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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.291 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.291 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 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.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Ksa

Encl:

Xerox copy of the Joint Compromise Memo

To

1. The Inspector of Police,
Elumalai Police Station,
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.

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+1 CC to M/s.N.JEYARAM SIDHARTH, Advocate (SR-96751[F] dated
07/11/2019)

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JMN(08.11.2019) 3P : 5C