



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

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

Crl.O.P. (MD) .No.16305 of 2019

WEB COPY

1. Balamurugesan
2. Prakash
3. Saravana Muthu Kumar ... Petitioners/Accused 1 to 3

Vs.

1.State rep. by
The Inspector of Police,
Pudukottai Police Station
Thoothukudi District ... 1st Respondent/Complainant

2.Samson Arockiya Raj ... 2nd Respondent/Defacto Complainant

3.Arul Rajesh

4.David Praveen ...3rd & 4th Respondents/Victim

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records and quash the First Information Report in Crime No.249 of 2019 dated 17.08.2019 registered for the offence under Sections 294(b), 323 and 506(ii) of IPC on the file of the Inspector of Police, Pudukottai Police Station, Thoothukudi District pursuant to the compromise arrived at between the parties

For Petitioners : Mr.A.Thiruvadikumar

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.249 of 2019, on the file of the first respondent police, for an alleged offences under Sections 294(b), 323 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 has been filed before this Court which have been signed by the petitioners and the respondents 2 to 4 and also by their respective counsel. The petitioners and the respondents 2 to 4 were also present in person before this Court and they were identified by Mr.Chandra Moorthy, SI 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.249 of 2019 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.249 of 2019, on the file of the first respondent police, is quashed 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.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To

1. The Inspector of Police,
Pudukottai Police Station
Thoothukudi District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.S.VINAYAK, Advocate Sr. No.97619

+1CC TO MR.A.THIRUVADI KUMAR, Advocate Sr. No. 97086

Cr1.O.P. (MD) .No.16305 of 2019
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