



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.16777 of 2019

Sujin ... Petitioner/Accused No.4
Vs.

1.The State Rep. by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.1320 of 2012)

2.Anishkumar ... Respondents/Complainant/
Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.1320 of 2012, dated 31.12.2012, on the file of the Thuckalay Police Station, Kanyakumari District, quash the same.

For Petitioner : Mrs.S.Mahalakshmi

For R1 : Mrs.S.Bharathi
Government Advocate (Crl. side)

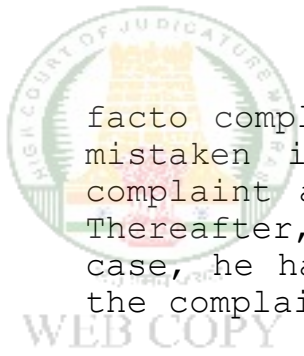
For R2 : Mr.J.Prasanna Kumar

O R D E R

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.1320 of 2012, dated 31.12.2012, on the file of the Thuckalay Police Station, Kanyakumari District, for the offences punishable under Sections 452, 294(b), 324 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.Today, when the matter is taken up for hearing, the learned counsel for the second respondent would submit that on mistaken identity, the second respondent has wrongly implicated the petitioner. He would also submit that the second respondent/de-



facto complainant-Anishkumar has filed an affidavit stating that on mistaken identity, he has wrongly implicated as accused in the complaint and the petitioner has been arraigned as fourth accused. Thereafter, finding that the petitioner is not involved in this case, he has decided to compromise with the petitioner and withdraw the complaint.

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.K.Sunil, 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, 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 Gujraht)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.1320 of 2012.

6.It is represented by the learned counsel for the petitioner that the petitioner paid a sum of Rs.5000/-(Rupees Five thousand only) as costs to the Credit of the Madras High Court Madurai Bench, Advocates Clerk's Welfare Association, Madurai Bench High Court Building, Chamber No.33, Ulaganeri, Madurai and filed the original cash receipt along with this memo on 11.12.2019. The said submission is placed on record.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 1320 of 2012, on the file of the first respondent police, is quashed in respect of the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

Encl: Xerox Copy of Joint Compromise Memo.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

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

+1 CC to Mr.S.MAHALAKSHMI, Advocate (SR-104710[F] dated
12/12/2019)

Crl.O.P. (MD) .No.16777 of 2019
11.12.2019

VB(08.01.2020) 3P 4C