



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

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

Crl.O.P.(MD).No.17773 of 2019

Kother Mytheen

... Petitioner/Sole accused

Vs.

1.State rep. by Inspector of Police,
Thaalamuthunagar Police Station,
Tuticorin District.
(Crime No. 147 of 2016)

2. Muthukumar ... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the FIR in Crime No. 147 of 2016, dated 01.03.2016 on the file of the first respondent police for alleged offences under Sections 406, 420, 294(b), 506(i) of IPC, to quash the same as against the petitioner.

For Petitioner : Mr.D. Balamurugapandi

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

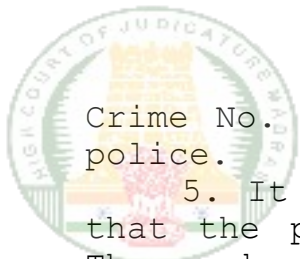
ORDER

The Criminal Original Petition has been filed to FIR in Crime No. 147 of 2016, dated 01.03.2016 on the file of the first respondent police for alleged offences under Sections 406, 420, 294 (b), 506(i) of IPC, to quash the same as against the petitioner.

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 petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by S. Selvaraj, S.S.I.,. 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. 147 of 2016 pending on the file of the first respondent police.

5. It is represented by the learned counsel for the Petitioner that the petitioner already paid 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) and also filed the original receipt along with this agreement, on 28.11.2019. The said submission is placed on record.

6. Accordingly, this Criminal Original Petition is allowed and as a sequel, the F.I.R in Crime No. 147 of 2016, on the file of the first respondent police, is quashed and the terms of joint compromise agreement shall form part and parcel of this order.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

ksa

Encl:Xerox Copy of Joint Compromise Memo.

To

1. The Inspector of Police,
Thaalamuthunagar Police Station,
Tuticorin 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. (For Information) (Cost Memo filed)

+1 cc Mr.D.BALAMURUGAPANDI ,Advocate, SR.No.102108

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28.11.2019

KK/SAR/29.11.2019/2P-5C/