



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.12.2019
CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

**Crl.O.P. [MD] .No.17941 of 2019
and
Crl.M.P[MD]No.10547 of 2019**

1.Madasamy
2.Sundharam
3.Sudalai @ Sudalai Murugan
4.Kulasekaran

: Petitioners

Vs.

1.The State rep. by its
The Inspector of Police,
Serakulam Police Station,
Thoothukudi District.

2.Anthony Jeyaraj

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records in relating to the entire proceedings of the impugned FIR in Crime No.29 of 2019 on the file of the respondent and to quash the same.

For Petitioners	: Mr.M.S.Jeyakarthick
For Respondent	: Mrs.S.Bharathi
	Govt. Advocate (crl.side) (for R1)
	Mr.A.Karthick Kumar (for R2)

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.29 of 2019, on the file of the first respondent police, for the offences punishable under Sections 341, 294(b), 387 and 506(ii) of IPC.

2.The learned counsel for the second respondent/de-facto complainant would submit that that due to previous enmity and motive, the second respondent has given a false complaint against the petitioners, as if, the accused persons took away Rs.2000/- from his pocket. He would also submit that the defacto complainant has also filed an affidavit supporting the same.

"3. I most respectfully submit that the petitioners are well known to me and I have been running stone crusher. The petitioners are residing in adjacent to my



crusher. My crusher vehicles used to cross the residence area of the petitioners regularly for our business transportation. Hence, the petitioners and their family members have objected my crusher vehicles to use the above road. Hence, there was a motive existed between the petitioners as against me. I further submit that I lodged complaint before the 1st respondent as if the accused persons took away Rs.2000/- from my packet. Hence, the 1st respondent registered a FIR including the offence u/s 387 of IPC. But, my above amount of Rs.2000/- was recovered by me from the place of occurrence. Hence, I am hereby submitted that the petitioners did not extort any money from me on the date of occurrence. Further, since the petitioners and me are well known to each other, we entered into compromise and we settled their dispute amicably. Hence, petitioners and me filed joint compromise memo before this Hon'ble High Court."

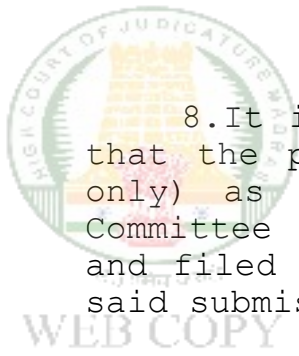
3.This Court enquired the de-facto complainant. The de-facto complainant would also submit that due to the motive and enmity, he had given a complaint as if the petitioners/accused took an amount of Rs.2000/- from his packet. However, he would submit that the matter has been compromised between him and the petitioners/accused.

4.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.

5.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.S.Jegannathan (722) SSI of Police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.The learned Government Advocate (Crl. side), on instructions, would submit that the dispute between the parties are private in nature and that there is no public interest involved in this matter.

7.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 Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.29 of 2019.



8.It is represented by the learned counsel for the petitioners that the petitioners paid a sum of Rs.5000/-(Rupees Five thousand only) as costs to the Credit of the High Court Legal Services Committee (Payable in Accounts Section of the High Court Registry) and filed the cash receipt along with this memo on 10.12.2019. The said submission is placed on record.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.29 of 2019, on the file of the first respondent police, is quashed and the terms of joint compromise memo & affidavit of 2nd respondent/de-facto complainant shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn

Encl.: Xerox Copy of Joint Compromise Memo affidavit of 2nd respondent/de-facto complainant

To

1.The Inspector of Police,
Serakulam Police Station,
Thoothukudi District.

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

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-104381[F] dated
11/12/2019)

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MK (21.01.2020) 3P 4C