



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.12.2019**

CORAM:

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THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P. [MD] .No.18366 of 2019

E.Packiaraj

: Petitioner/Sole Accused

Vs.

1.The Sub Inspector of Police,
Vadipatty Police Station,
Madurai District.
(in Crime No.515 of 2012)

2.Elango
Personal Assistant of District collector,
(Small Savings)
Collector Officer,
Madurai-625020,
Madurai District.

: Respondents/Complainants

3.S.Pandy

: Respondent/Victim

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in Crime No.515 of **(*)2012** on the file of the first respondent and quash the same.

For Petitioners : Mr.AK.Azagarsami

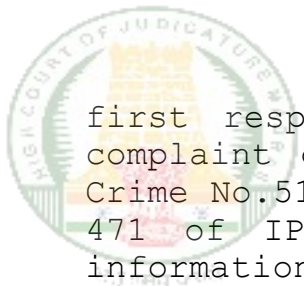
For Respondent : Mrs.S.Bharathi
1 and 2 Govt. Advocate (crl.side)

For 3rd Respondent : Mr.K.G.Prakash

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.515 of **(*)2012** on the file of the first respondent police, for the offences punishable under Sections 420, 468 and 471 of IPC.

2.The learned counsel appearing for the petitioner would submit that based on the complaint given by the third respondent to the Collector the same was forwarded by the second respondent to the



first respondent for registration of the case and based on the complaint of the second respondent, a case has been registered in Crime No.515 of **(*)2012** for the offence under Sections 420, 468 and 471 of IPC. The crux of the allegation is in respect of the information return of money paid/money dispute.

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3.Now the third respondent / victim and the petitioner had resolved the money dispute, and the third respondent has compromised the matter with the petitioner and he is also not interested in proceeding further. The complaint has been registered based on the reference by the District Collector and the third respondent/victim and he has also given a letter to the District Collector not to pursue the matter and also sought for withdrawal of the complaint given by him. Based on the request given by the petitioner, the second respondent has also send a communication to the first respondent dated 17.03.2019 on the instructions of the District Collector.

4.The learned Government Advocate (Crl. Side) would submit that the investigation has been completed and the final report has also been filed on 03.10.2019 and yet to be taken on file.

5.The case is not taken on file. By passage of time, the parties have decided to bury their hatchet and compromise the money dispute amicably among themselves.

6.A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the third respondent and also by their respective counsel. The petitioner and the third respondent were also present in person before this Court and they were identified by Ms.K.Kamatchi, SSI Police, Vadipatti. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.4 of 2019.

8.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 Madurai Bench High Court Advocates Association and filed the original cash receipt along with this memo on 17.12.2019. The said submission is placed on record.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.515 of **(*)2012**, 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.

Sd/-

Assistant Registrar (CS-II)

**(*) Amended as per order of this
Court dated 09.11.2020**

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To

(*) To be Substituted the order already despatched on 07.01.2020

- 1.The Sub Inspector of Police,
Vadipatty Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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