



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **11.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Cr1.O.P. [MD] .No.18474 of 2019

WEB COPY

1.Syed Ibrahim

2.Pramila : Petitioners/Accused 1&2

Vs.

1.The State rep. by its
The Inspector of Police,
All Women Police Station,
Kodaikanal, Dindigul District. : 1st Respondent/Complainant

2.Shiffana Sulthana : 2nd Respondent/Defacto Complainant

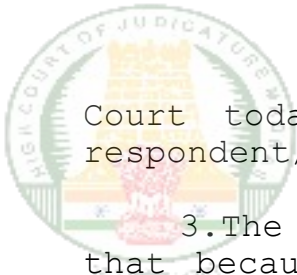
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the impugned FIR in Crime No.4 of 2019 on the file of All Women Police Station, Kodaikanal, Dindigul District and quash the same.

For Petitioners : Mr.A.Saravanan
For Respondent : Mrs.S.Bharathi
Govt. Advocate (crl.side)

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.4 of 2019, on the file of the respondent police, for the offences punishable under Sections 376, 354(c) and 506(ii) of IPC.

2.The main charge is only against the petitioners. The other accused are formally added as accused. The defacto complainant is present before this Court. Though the allegations are for the offences under Sections 376, 354(c) and 506(i) of IPC, the defacto complainant has filed a sworn affidavit before this Court stating that her jewels were taken by the respondents and since they were not returned, out of frustration, she had given a false complaint against the petitioners. She has also stated that she had already married and having a son aged about 5 years and considering her future life, she had decided to withdraw the complaint. She is also present in person before this Court today and she has expressed her remarks for giving such a false complaint against the petitioners, who are her relatives. The respondent police is present before this



Court today and she identified the petitioners as well as the respondent/defacto complainant.

3.The second petitioner who appeared in person would submit that because of the false complaint given against her, the other family members who are also implicated falsely in this case, have severed their relationship with the petitioners' family and that they have also been put to untold suffering.

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 Ms.Kanchana Devi, Inspector of Police, Kodaikanal All Women Police Station. 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 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.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.4 of 2019, on the file of the respondent police, is quashed on condition that the 2nd respondent shall pay a sum of Rs.5,000/- as costs to the Rojavanam Trust, Melur Main Road, Madurai and file cash receipt along with memo on 17.12.2019. The terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

9.Post the matter on 20.12.2019 for reporting compliance.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



Encl.: Xerox Copy of Joint Compromise Memo

To

WEB COPY

- 1.The The Inspector of Police,
All Women Police Station,
Kodaikanal, Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

1. The Officer In-Charge,
Rojavanam Trust,
Melur Main Road, Madurai
2. The Section Officer,
Criminal Section(2 Copies)
MadURAI Bench of Madras High Court,
Madurai

Crl.O.P. [MD] .No.18474 of 2019

11.12.2019

MK (18.12.2019) 3P 6C