



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2020**

CORAM:

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

Crl.O.P. [MD].No.1058 of 2020

WEB COPY

1.M.Sekar @ Subramanian

2.M.Rajeshwaran

3.Selvakumar

: Petitioners/Accused Nos.1 to 3

Vs.

1.State Rep. by

The Inspector of Police,

Panagudi Police Station

Tirunelveli District

Crime No.389 of 2019 ... 1st Respondent/Complainant

2.Abdul Kani

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the case in Crime No.389 of 2019 on the file of the first respondent and quash the same.

For Petitioners : Mr.N.S.Karthikeyan

For R-1 : Mrs.S.Bharathi
Government Advocate (Crl Side)

For R-2 : Mr.B.Ramanathan

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No. 389 of 2019, on the file of the first respondent police, for the offences punishable under Sections 147, 148, 447, 294(b), 427 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.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 petitioners and the second respondent were also present in person before this Court and they were identified by Mr.C.Murugan, SSI of Police. 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, 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. 389 of 2019.

5.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 Hands of Compassion and filed the copy of receipt along with this memo on 24.01.2020. The said submission is placed on record.

6. The learned counsel for the petitioners would submit that the petitioners were granted anticipatory bail and while allowing the anticipatory bail petition in Cr.M.P.No.6427 of 2019, the learned Principal Sessions Judge, Tirunelveli has ordered to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the account of Crime No.389 of 2019 and that in due compliance the petitioners have also deposited a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the account of Crime No.389 of 2019 before the Judicial Magistrate, Vallioor. Hence, the petitioners would seek a direction may be issued to the learned Judicial Magistrate, Vallioor, to permit the petitioners to withdraw the amount so deposited.

7. In view of the quashment of F.I.R. in Crime No.389 of 2019, the petitioners are directed to file a petition before the Judicial Magistrate, Vallioor. On such application being filed by the petitioners, the learned Judicial Magistrate, Vallioor, shall pass order to withdraw the said amount after conducting due enquiry.

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 389 of 2019, 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(AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ENCLOSURE XEROX COPY OF JOINT COMPROMISE MEMO.
<https://hcservices.courts.gov.in/hcservices/>



1. The Judicial Magistrate, Vallioor.

2. The Inspector of Police,
Panagudi Police Station
Tirunelveli District.

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

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-4063[F] dated
31/01/2020)

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29.01.2020

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