



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2020**

CORAM:

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

Crl.O.P.[MD].No.2125 of 2020

1.Shalin Jose

2.Blesso

3.John Cristopher

4.Darwin John

: Petitioners/Accused No.1 to 4

Vs.

1.The State Rep. by

The Inspector of Police,

Eraniel Police Station,

Kanyakumari District.

In Crime No.523 of 2019

: 1<sup>st</sup> Respondent/Complainant

2.Retna tom bosco

: 2<sup>nd</sup> Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the FIR in Crime No.523 of 2019, on the file of the first respondent police, Eraniel Police Station, Kanyakumari District and quash the same as illegal.

For Petitioners

: Mr.S.T.Sasidharan Tamilkani

For R-1

: Mrs.S.Bharathi

Government Advocate (Crl. side)

For R-2

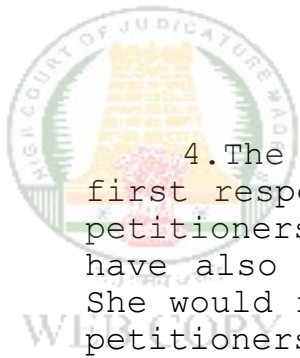
: Mr.P.Banuprasath

**ORDER**

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.523 of 2019, on the file of the first respondent police, Eraniel Police Station, Kanyakumari District, for the offences punishable under Section 420 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.The learned counsel for the petitioners would submit that the allegation against the petitioners is that the petitioners collected an amount of Rs.60/- each from 47 persons and also collected Xerox copy of Smart Card and Aadhar card and gave a false promise to them for getting Government benefits. He would further submit that the matter has been compromised between the parties and that the petitioners have also repaid the amount of Rs.60/- collected from 47 persons by sending money orders.



4.The learned Government Advocate (Crl. side) appearing for the first respondent would submit that the de-facto complainant and the petitioners have entered into compromise and that the petitioners have also repaid Rs.60/- by way of money order to the 47 persons. She would further submit that no other case is pending against these petitioners.

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.T.Christopher, 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.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 Gujraht)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No. 523 of 2019.

7.It is represented by the learned counsel for the petitioners that the petitioners paid a sum of Rs.5,000/-(Rupees Five Thousand only) as costs to the Credit of M.S.Chellamuthu Trust and Research Foundation, 643, K.K.Nagar, Madurai and filed the original cash receipt along with this memo on 20.02.2020. The said submission is placed on record.

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.523 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 (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj i

Encl: Xerox copy of joint compromise memo

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Inspector of Police,  
Eraniel Police Station,  
Kanyakumari District.

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

+1 CC to Mr.S.T.SASIDHARAN TAMILKANI, Advocate ( SR-7448[F] dated  
20/02/2020 )

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VB(09.03.2020) 3P 4C