



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2020

CORAM:

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

Crl.O.P.(MD)No.3613 of 2020

L.Huston

... Petitioner

Vs.

1.The State of Tamilnadu
Rep.by the Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Crime No.436 of 2019)

2.A.Abdul Kalam

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 Cr.P.C., to quash the FIR in Crime No.436 of 2019 dated 10.11.2019 on the file of the Suchindram Police Station, Kanyakumari District against the petitioner herein as sole accused under Sections 341, 294(b), 353, 323 and 506(ii) IPC.

For Petitioner : Mr.S.Xavier Rajini

For R1 : Mrs.S.Bharathi
Government Advocate (Crl. side)

For R2 : Mr.B.Michal Sebastin

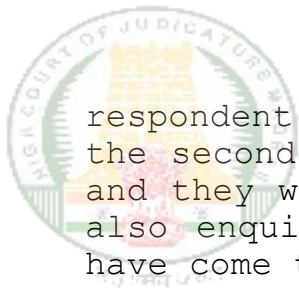
O R D E R

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.436 of 2019, on the file of the first respondent police, for the offences punishable under Sections 341, 294(b), 353, 323 and 506(ii) IPC.

2.The learned counsel for the defacto complainant would submit that the incident had been happened during night and due to misunderstanding in identity, the name of the petitioner has been given wrongly. He would submit that it is a private dispute and the defacto complainant no objections in a case being quashed.

3.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.

4.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 petitioner 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.

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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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.436 of 2019.

5.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 Siddha Hospital, Madurai Bench of Madras High Court, Madurai and filed the original cash receipt along with this memo on 27.02.2020. The said submission is placed on record.

6.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.436 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 (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

(Encl. Xerox copy of Joint Compromise memo)

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

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

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-8990[F] dated 27/02/2020

Crl.O.P.(MD).No.3613 of 2020
27.02.2020

SDS (17.06.2020) 2P-4C

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