



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**
Crl.O.P.[MD] No.3625 of 2020

1.Rajmohan
2.Dennis
3.Peter Felix

: Petitioners/A2 to A4

vs.

1.The State rep. by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(Crime No.274 of 2019)

:1st Respondent/Complainant

2.Muthukumar

:2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the case in Crime No.274 of 2019 on the file of the Inspector of Police, Kalakkad Police Station, Tirunelveli District.

For Petitioners : Mr.R.Anand
For Respondents : Mrs.S.Bharathi
Govt. Advocate (crl.side) (for R1)
Mr.P.Samuel Gunasingh (for R2)

ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.274 of 2019 on the file of the Inspector of Police, Kalakkad Police Station, Tirunelveli District under Sections 294(b), 307 and 506(ii) 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 has 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.V.Nambinarayanann (H.C.292), Kalakkad Police Station. This Court also enquired both the parties and was



satisfied that the parties have come to an amicable settlement between themselves.

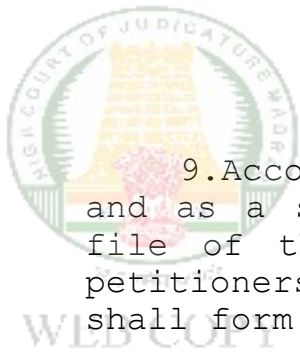
4.The learned counsel for the petitioners would submit that absolutely no injury either on the defacto complainant or his friends. Now, the defacto complainant has also filed an affidavit stating that no such incident as mentioned in the said FIR had taken place and that he has also stated that out of frustration, anguish and out of vengeance, he has given such a false complaint against the petitioners. Now, coming to understand that the petitioners are put to predicament, the defacto complainant has filed an affidavit accepting his mistake.

5.The learned counsel for the second respondent/defacto complainant would submit that there was a heeded atmosphere prevailing in the village at that time and out of frustration and anguish, the defacto complainant had given a false complaint. Based on which, the FIR had been registered and the accused were arrested and released on bail. He would submit that the defacto complainant has filed an affidavit stating that he has given a false complaint and unfortunately, the same has been registered as FIR and that after realization his mistake, the defacto complainant has filed the affidavit to help the accused.

6.The second respondent/defacto complainant is also present before this Court. This Court enquired the defacto complainant and he would submit that absolutely there was no injury and he had given a false complaint against the petitioner. Based on which, FIR was registered. Now, he expressed his remorse for having given a false complaint. He would further submit that having committed the mistake, he would prepare to pay Rs.15,000 to the High Court Legal Services Committee.

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.274 of 2019.

8.It is represented by the learned counsel for the petitioners that the second respondent/defacto complainant paid a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as costs to the Credit of the High Court Legal Services Committee, Madurai Bench of Madras High Court and filed original cash receipt along with a memo today. The said submission is placed on record.



9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.274 of 2019, on the file of the first respondent police, is quashed insofar as the petitioners are concerned and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skn

Encl:Xerox copy of Joint Compromise Memo.Dated 29/2/2020

To

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

+1 CC to M/s.R.ANAND, Advocate (SR-9412[F] dated 28/02/2020)

+1 CC to M/s.R.ANAND, Advocate (SR-9667[F] dated 02/03/2020)

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AP(30/06/2020) 3P 5C