



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU**

CrI.O.P(MD)No.4977 of 2020

Mohideen Malik

: Petitioner/ Accused No.1

Vs.

1.State represented by  
The Inspector of Police,  
Ambasamuthiram Police Station,  
Tirunelveli District.  
Crime No.41 of 2020.

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

2.M.Karthikeyan

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

**PRAYER:** Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the Crime No.41 of 2020, dated 15.02.2020 for the offences under Sections 406, 420, 379 (NH) of IPC on the file of the 1<sup>st</sup> Respondent Police and quash the same as illegal.

For Petitioner : Mr.G.Anto Prince

For 1<sup>st</sup> Respondent : Mr.M.V.Chandrasekaran,  
Government Advocate.

For 2<sup>nd</sup> Respondent : Mr.S.Karuppiah

**O R D E R**

Heard both sides.

2.This Criminal Original Petition has been filed to quash the First Information Report in Crime No.41 of 2020, on the file of the first respondent police.

3. Totally there are two accused and the petitioner herein is A1 and A2 is not present before this Court. The second respondent / defacto complainant, as well as the petitioner/accused No.1 are present before this Court through video conference and they are identified by the respective learned counsel and both the parties have filed joint compromise memo stating that the matters in issue between them has been amicably resolved and therefore, the second respondent / defacto complainant is not willing to prosecute the case. Therefore, the parties would pray for quashing the FIR.



4. The compromise memo is filed before this Court and the parties are also present personally along with their respective counsels and the learned Government Advocate would state that he has verified their identity. The relevant portion from the Joint Compromise Memo filed by the parties is extracted as under:

''5. That now both the Defacto Complainant and the injured person and the Petitioners of the instant quash petition had settled the issue outside the Court amicably in the presence of elderly persons and solved the entire dispute. Hence, the First Information Report and the Impugned FIR in Crime No.41 of 2020, dated 15.02.2020 for offences Under Secitons 406, 420, 379 (NH) of IPC on the file of the 1<sup>st</sup> Respondent Police may be quashed on the ground that the matter has been settled.

6. Now both the parties decided to withdraw all the allegations made against each other and have settled the dispute amicably in the presence of elderly persons. Hence the Impugned FIR may be quashed on the ground that the matter has been settled.

7. The instant case is covered under decision of the Hon'ble Apex Court reported n (2017) 9 SCC 641 wherein in Para 16.7 the Hon'ble Apex Court has held as follows "As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distanct footing insofar as the exercise of the inherent power to quash is concerned.

16.9. In such cases, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and continuation of a criminal proceeding would cause oppression and prejudice."

5. In the result, by recording the compromise, this Criminal Original Petition is allowed and the proceedings in Crime No.41 of 2020, on the file of the first respondent police is quashed.

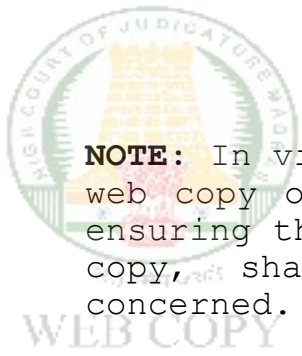
Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



**NOTE:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**To: -**

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

+1 CC to M/s.G.ANTO PRINCE, Advocate ( SR-22490[F] dated  
23/11/2020 )

Crl.O.P (MD) No.4977 of 2020  
23.11.2020

SS (CO)  
AP (07/12/2020) 3P 4C