



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.6335 of 2020

Crl.O.P(MD)No.6335 of 2020

1.Madhan @ Madhankumar

2.Kathiresan

3.Mariselvam

4.Gurunathan ... Petitioners / Accused No.1 to 4

Vs

1.The State represented by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District,
[Crime No.476 of 2020] ... 1st respondent/complainant

2.Vinoth Kumar ... 2nd Respondent /Defacto complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the FIR in Crime No.476 of 2020 on the file of the Inspector of Police, Sivakasi East Police Station, Virudhunagar District and quash the same.

For Petitioners	:	Mr.A.Kesavan
For Respondent	:	Mr.K.K.Ramakrishnan, Additional Public Prosecutor

ORDER

The petitioners accused 1 to 4 in Crime No.476 of 2020 on the file of the I The Inspector of Police, Sivakasi East Police Station, Virudhunagar District, has filed this petition to quash the proceedings pending against them.

2.Today, when the matter has been taken up for hearing, the learned Counsel on either side submitted that a joint compromise memo dated 02.06.2020, signed by the respective parties and their respective learned Counsel has been filed that they have entered into a compromise to settle the dispute amicably and accordingly they also settled their differences in the presence of the elders.

3.The Joint Compromise dated 02.06.2020 is extracted hereunder:

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



1.The petitioners and the second respondent jointly submit that at the instance of the second respondent, the case in hand was registered by the 1st respondent Police in Crime No.476 of 2020 for the offence punishable under Sections 294(b), 323 and 506 (i) IPC. At that juncture the petitioners and the second respondent have come forward with an amicable settlement, hence the present quash petition is filed before this Hon'ble Court on the ground of compromise emerged among them.

2.The petitioners and the second respondent jointly submit that the crux of the complaint is that on 07.05.2020 at about 08.30 pÆ the wife of the second respondent asked him to drop her at her mother's house and the second respondent has also taken her by his motor bike and dropped his wife at her mother's house. Then on 07.05.2020 as the second respondent's wife did not return to home, the second respondent went to his mother-in-law's home and shouted her wife. At that time, the petitioners have intervened and abused the second respondent with filthy language and during the course of quarrel they have also beaten him with hands. Hence, the present FIR has been lodged with the 1st respondent Police for the offences as stated above.

3.The petitioners and the second respondent jointly submitted that during the pendency of the above said case, at the intervention of elders of both families, the petitioners and the second respondent have been made to sit together towards having a compromise talk in which both of them have realised their mistake in giving complaint and counter complaint. That apart, they have also felt much difficulty in view of the pendency of the criminal cases staring as against them. Hence, they have taken a firm decision so as to withdraw their respective complaints, as a result of which, they have come forward with quash petitions before this Court.

4.The petitioner and the second respondent jointly submitted that as an outcome of such compromise, both the petitioners and the second respondent have given undertaking to appear before this Court and they would also give consent to quash the FIR in Crime No.475 and 476 of 2020 pending on the file of the 1st respondent Police. They would also make it very clear that for taking such decision, they



are not being influenced and absolutely, there is no coercion or outer force inflicted upon them, but such decision has been taken purely on their own violation.

The petitioners and the second respondent jointly pray that this Hon'ble Court may be pleased to take into consideration of the present joint compromise memo and to quash the FIR in Crime No.475 of 2020 on the file of the Inspector of Police, Sivakasi East Police Station, Virudhunagar District."

4.The parties and Ms.Manohari, Inspector of Police, Sivakasi East Police Station, Virudhunagar District also appeared through video conferencing and the identity of the petitioners as well as the defacto complainant were verified by Mr.Manoharan, Inspector of Police. The photographs and Aadhaar cards of the respective parties were also verified.

5.The defacto complainant would submit they have compromised the issue among themselves and they are willing to compromise case pending against them.

6.Mr.S.Anantha Murugan, learned Counsel for the petitioners was present along with the petitioners Mr.A.Kesavan, learned Counsel for the defacto complainant was also present along with the defacto complainant and they have also identified the petitioners as well as the defacto complainant.

7.In view of the compromise arrived at between the parties that they have amicably settled their dispute among themselves, by recording the above said joint compromise memo dated 02.06.2020, the criminal original petition is allowed and the proceedings in Crime No.116 of 2020 on the file of the respondent Police is hereby quashed. The joint compromise dated 02.06.2020 shall form part of this order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

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.



Encl: Photocopy of the Joint Compromise memo.

To

- 1.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.6335 of 2020

(SSS)CO

AP(06/01/2021) 4P 3C