



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.(MD)No.9409 of 2020

1.Stephen
2.Raja Sekar @ SR.Thevar
3.Prabakaran ... Petitioners / A1 to A3

Vs.

1.State Rep. by
The Inspector of Police,
K.Pudur Police Station
Madurai District. ... 1st Respondent / Complainant
(Cr.No.431/2019)

2.Nijam ... 2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.431 of 2019, on the file of the 1st Respondent Police and quash the same.

For Petitioners : Mr.RM.Arun Swaminathan

For R-1 : Mr.R.Erottuchamy
Govt.Advocate

For R-2 : Mr.N.Jeyaram Sidharth

O R D E R

This Criminal Original Petition has been filed to quash the F.I.R registered in Crime No.431 of 2019, pending on the file of the Inspector of Police, K.Pudur Police Station, Madurai District, for the offence punishable under Sections 406, 420 and 465 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.A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioners, second respondent and also



by their respective counsels. The petitioners and the second respondent were also present in person before this Court through video conferencing and they were identified by Mr.Kannadasan, the Inspector of Police, K.Pudur Police Station, Madurai District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

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 in **(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat)**, reported in **(2017 (9) SCC 641)**, this Court, in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.431 of 2019 pending on the file of the first respondent Police.

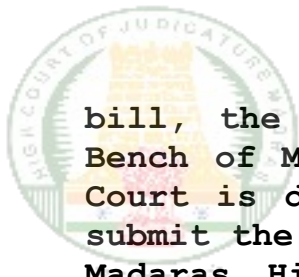
5.Accordingly, this Criminal Original Petition stands allowed and as a sequel, FIR in Crime No.431 of 2019 pending on the file of the first respondent Police, is quashed and the terms of joint compromise memo shall form part and parcel of this order. The petitioners are at liberty to file an application before the jurisdictional Magistrate for getting back the deposited the amount. If such an application is filed, the Magistrate concerned is directed to consider the same, on merits and in accordance with law.

(*)This petition having been posted on 09.10.2020 "For Being Mentioned" in pursuance to the order of this Court dated 07.09.2020 and made herein in the presence of the above said Advocate, this Court made the following order:-

The petitioner herein had filed Crl.O.P.(MD)No.9409 of 2020 for quashing the impugned FIR based on compromise effected between the parties. This Court had allowed the said criminal original petition. Earlier the petitioners had remitted some amount before the Court below. This Court had permitted the petitioners to get back the said amount by filing an application. The petitioner took out an application before the Court below and the said application was also allowed. But then, there was some difficulty in getting back the amount. There was some confusion as regards where the amount lay. Therefore, this case came to be listed again under the caption "for being mentioned".

2.This Court called for report from the Court below and it is seen that the amount deposited by the petitioners had been remitted to the credit of Sub Treasury of Madurai Bench of Madras High Court.

3.I personally saw the challan also. Now the question is how the refund is to be made. It is that stated that the refund bill has to be prepared by the concerned Court. For preparing the refund



bill, the assistance of the Sub Pay and Account Officer, Madurai Bench of Madaras High Court is required. Therefore, the concerned Court is directed to depute its staff and prepare refund bill and submit the same to the Sub Pay and Account Officer, Madurai Bench of Madaras High Court. The said Sub Pay and Account Officer is directed to pass the bill and credit the same to the account of the concerned beneficiary within a period of one week thereafter.

4.The Registry is directed to issue the supplementary order copy on these terms.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

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.

Enclose: Xerox copy of Joint Compromise Memo.

To

(*) To be Substituted the order already despatched on 10.09.2020

1. The Inspector of Police,
K.Pudur Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Sub Pay and Accounts Officer,
Sub Pay and Accounts Office,
Madurai Bench of Madras High Court,Madurai-23

Copy to: The Judicial Magistrate No.6, Madurai.

Crl.O.P. (MD)No.9409 of 2020
07.09.2020

CS(10.09.2020) 3P 4C

NS(CO)

KB(16.10.2020) 3P 5C

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