



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.13171 of 2020

1.D.Jeyapandi

2.Sivan

3.M.Baskaran

4.Vijay@ Vijayan

: Petitioners/ Accused Nos.1 to 4

Vs

1.State Thro

The Inspector of Police,
Viruveedu Police Station,
Dindigul District.

(Crime No.764 of 2020).

: 1st Respondent/ Complainant

2.R.Nithya

:2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records and to quash the FIR in Crime No.764 of 2020 pending on the file of the first respondent police.

For Petitioners : Mr.R.Rajamohan

For 1st Respondent : Mr.M.V.Chandrasekaran,
Government Advocate, (Crl.side).

For 2nd Respondent : Mr.V.A.Dhana Aravinda Balaji,
for M/s.Dhana Law Associates.

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.764 of 2020, on the file of the first respondent police.

3.The second respondent / defacto complainant, as well as the petitioners/accused 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 and therefore 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:

''2.The petitioners submit that on intervention of the family members and some of village elderers, the 2nd respondent and the petitioners are now settled the matter amicably and compromise entered between them, further the 2nd respondent is not willing to proceed further with the case and to that effect the petitioners and the 2nd respondent/defacto complainant have also filed this joint memo of compromise.

4.The petitioners submit that since the alleged offences are non compoundable in nature, further it is well settled position of law that the High Court can quash the FIR in Crime No.764 of 2020 on the file of the 1st Respondent Police Station respect of the non compoundable offence by exercising its inherent power, if the matter is settled between the parties. Hence, the petitioners and the defacto complainant having left with no other efficacious remedy except to approach this Honourable Court under Section 482 of the code of Criminal Procedure to quash the same among the following other grounds.

It is therefore prayed that this Hon'ble Court may be pleased to record this Joint Compromise made by both the parties concerned and to quash the FIR in Crime No.764 of 2020 on the file of the 1st Respondent Police in the nature and circumstances of the case and in the interest of justice, equity and good conscience and thereby render justice.''

5. In the result, by recording the compromise, this Criminal Original Petition is allowed and the proceedings in Crime No.764 of 2020, on the file of the first respondent police is quashed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

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



To:-

1.The Inspector of Police,
Viruveedu Police Station,
Dindigul District.

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

+1 CC to M/s.R.RAJA MOHAN, Advocate (SR-22446[F] dated 23/11/2020)

Crl.O.P(MD)No.13171 of 2020
23.11.2020

SR(CO)
KB(04.12.2020) 3P 4C