



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

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THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.13161 of 2020

S.K.Siva Prasad : Petitioner/Sole Accused

Vs

1. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.59 of 2018)

: 1st Respondent/ Complainant

2.Thavasi : 2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records on the file of the first respondent, Puthukadai Police Station, Kanyakumari District in Crime No.59 of 2018, dated 08.03.2018 and to quash the same.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.V.Chandrasekaran,
Government Advocate, for R1.

: Mr.K.A.Thirumalaiappa, for R2.

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.59 of 2018, on the file of the first respondent police.

3.The second respondent / defacto complainant, as well as the petitioner/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.

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



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:

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''1.It is submits that based on the complaint given by the 2nd party herein, a case was registered against the petitioner for the alleged offences under Sections 279, 337 of IPC.
2.It is submitted that the said case was registered on 08.03.2018 for the accident which took place on 06.03.2018. Since the FIR is pending, the 1st party is prevented from various prospects. Therefore, at that intervention of the elders and relatives, the matter was compromised and the same was settled amicably. In fact the M.C.O.P.No.84/2019 filed before the Sub-Ordinate Judge, Kuzhithurai was also compromised on 07.10.2020 and the claim amount was settled by the 1st party.
3.It is submitted that the 2nd party agreed that he do not wanted to prosecute the 1st party and he has no objection for quashing the FIR in Crime No.59 of 2018 and files of the Puthukadai Police Station in the welfare and interest of the 1st party.
4.It is submitted that the both parties have no claims or counter claims against each others and both of them are ready and willing to withdraw the allegations against each others.
5.The 2nd respondent/de-facto complainant is ready and willing to withdraw the criminal proceedings against the petitioner. Hence the 2nd respondent- de-facto complainant has no objection for quashing the FIR in Crime No.59 of 2018 on files of the Puthukadai, Kanayakumari District.''

5. In the result, by recording the compromise, this Criminal Original Petition is allowed and the proceedings in Crime No.59 of 2018, on the file of the first respondent police is quashed.

Sd/-

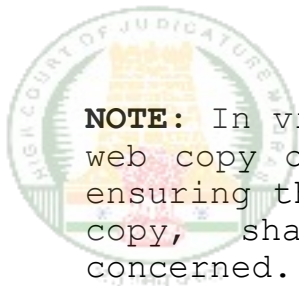
Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

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To:-

1. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.13161 of 2020
23.11.2020

SSS (CO)
CS (04.12.2020) 3P 3C