



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.13160 of 2020

1.Isak Daniyel
2.Manoj Kumar
3.Murugesan
4.Rajan

: Petitioners/ Accused Nos.1 to 4

Vs

1.State represented by
The Sub Inspector of Police,
Sendhamaram Police Station,
Tirunelveli District.
Crime No.298 of 2020.

: 1st Respondent/ Complainant

2.Sivabalasubramanian

: 2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, praying to record the compromise reached between the petitioners/accused and second respondent/defacto complainant and call for the records in the case in Crime No.298 of 2020 on the file of the first respondent and quash the same.

For Petitioners : Mr.M.Jothi Basu

For 1st Respondent : Mr.M.V.Chandrasekaran,
Government Advocate, for R1.

For 2nd Respondent : Mr.V.T.Prabakaran

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.298 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.It is stated that it is the case of case and counter. On the complaint of the 2nd Respondent herein the 1st Respondent Police has registered a case in Crime No.298/2020 against 4 persons. On the complaint made by the 1st Petitioner in the Quash petition the 1st Respondent Police registered a case in Crime No.299 of 2020 against 5 persons. The De-facto Complainant in the case in Crime No.298/2020 is 1st Accused in the case in Crime No.299/2020.

3.It is submitted that after registration of F.I.R the Accused in both the cases, held negotiations before the Village elders/well wishers and decided to settle the dispute with them amicably. On the basis of the negotiation, the De-facto Complainant in both the cases are agrees to withdraw their complaints. They are saying no objection to quash the case registered against the Accused."

5. In the result, by recording the compromise, this Criminal Original Petition is allowed and the proceedings in Crime No.298 of 2020, on the file of the first respondent police is quashed.

Sd/-

Assistant Registrar (CS-II)

// 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.

Encl : Xerox copy of Joint Compromise memo.

To:-

1.The Sub Inspector of Police,
Sendhamaram Police Station,
Tirunelveli District.

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



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

+1 CC to Mr.M. JOTHI BASU, Advocate (SR-22564[F] dated 24/11/2020)

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VB (04.12.2020) 3P 4C