



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13385 of 2020

Sikkanthar Batcha @ Chickandar Batcha

... Petitioner

vs.

1)State represented through the
Inspector of Police,
Samayanallur Police Station,
Madurai District.
(In Crime No.1401 of 2020)

2)Mohammed Riyas

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the entire records connected to the impugned First Information Report in Crime No.1401 of 2020 pending on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.R.Karunanidhi

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the entire records connected to the impugned First Information Report in Crime No.1401 of 2020 pending on the file of the 1st respondent Police and quash the same.

2.The second respondent / defacto complainant as well as the petitioner/accused are present before this Court and they are identified by the respective learned counsel and both the parties have filed a joint compromise memo stating that the matter 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 in Crime No.1401 of 2020 pending on the file of the 1st respondent Police.

3.The joint compromise memo reads as follows:-

'1.It is submitted that the Petitioner/Accused with the defacto complainant filed the above joint compromise memo in the quash petition. The petitioner and the respondent No.2/defacto complainant settled their disputes through compromise.



2.It is submitted that the allegation of the prosecution case is that the Defacto complainant namely Mohammed Riyaz alleged in his complaint that on 04.08.2020, at about 10.20 P.M., a wordy quarrel took place between the Accused and the defacto complainant. The Petitioner had scolded in filthy language and assaulted with a Knife. The Defacto complainant had sustained simple injuries.

3.It is submitted that based on that complaint the impugned First Information Report (F.I.R) has been registered for the alleged offences Under Sections 294(b), 323, 324 and 506(2) of IPC in Crime No.1401 of 2020 on the file of the 1st Respondent Police Station.

4.It is submitted that the petitioner and the Defacto complainant compromised the issue. The defacto complainant does not want to prosecute further against the petitioner. It is further submitted that since the dispute between the parties has been settled on by way of compromise. The defacto complainant has no objection in quashing of the FIR in Crime No.1401 of 2020 on the file of the respondent police. Moreover the Defacto complainant does not want to pursue the proceedings against the petitioner. Otherwise also, no purpose would be served in case, the proceedings are continued in future as the complainant is not going to depose against the petitioner. Therefore in view of settlement the continuation of impugned criminal proceedings between the parties would be an exercise in futility and it will be wastage of precious time of the Court.''

4.The compromise memo is filed before this Court and the parties along with their respective counsel are also present personally through video conference and the learned Additional Public Prosecutor would state that he has verified their identity.

5.In the result, by recording the compromise, the Criminal Original Petition is allowed and the impugned FIR in Crime No.1401 of 2020 pending on the file of the 1st 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.

To

1)The Inspector of Police,
Samayanallur Police Station,
Madurai District.

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

ORDER MADE IN
Crl.O.P. (MD)No.13385 of 2020
DATED : 26.11.2020

SJ(CO)
NR (03/12/2020) 3P : 3C