



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.10.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P. (MD) No.3543 of 2021

1.A.Mohamed Azarudeen

2.G.Raja

3.A.Rejila Kani

4.Jalaludeen @ Jalal (as per FIR)

Jalal Mohamed (as per affidavit filed by himself)

5.Akbar Ali

... Petitioners/Accused No.1 to 4 and 6

Vs.

1.The State represented by
The Inspector of Police,
District Crime Branch,
Madurai District.

(Crime No.38 of 2020) ... 1st Respondent/Complainant

2.K.Lathip

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the F.I.R. in Crime No.38 of 2020 dated 24.12.2020, on the file of the first respondent police.

For Petitioners : Mr.T.Thirumurugan

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
(CrI.Side)

For R2 : Mr.S.Atham Ali

ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.38 of 2020 on the file of the 1st respondent police.



2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.38 of 2020 for the offences punishable under Sections 406, 420, 468 and 471 of IPC against the petitioners.

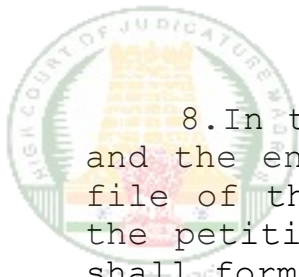
3.The further contention of the petitioners is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels.

4.The learned counsel for the petitioners submitted a memo to the effect that though the second respondent has signed in the joint compromise memo, there is no communication from him thereafter and seeks permission of this Court to withdraw this petition in respect of the second respondent. Today, the second respondent is also not present. Therefore, recording the submission made by the learned counsel for the petitioners, this criminal original petition is dismissed as withdrawn in respect of the 2nd petitioner.

5.Further, the learned counsel for the petitioners submitted that the name of the fourth petitioner is Jalal Mohamed, S/o Mohamed Zackariya. But in the FIR it was wrongly mentioned as Jalaludeen @ Jalal. The 4th petitioner has also filed affidavit to that effect. The same has also been verified with the defacto complainant. It was accepted and ordered to amend.

6.The petitioners 1, 3 to 5 and the 2nd respondent appeared through video conference from the Office of the Additional Public Prosecutor (Crl.Side) before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Additional Public Prosecutor (Crl.Side) and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

7.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners 1, 3 to 5 and also in view of the joint compromise memo, dated 10.02.2021, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in Crime No.38 of 2020 pending on the file of the 1st respondent police is quashed in respect of the petitioners 1, 3 to 5 and the compromise memo is recorded.



8.In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.38 of 2020, pending on the file of the 1st respondent police is hereby quashed in respect of the petitioners 1, 3 to 5 and the terms of joint compromise memo shall form part of this order.

WEB COPY

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

Enclose Joint Compromise Memo.

1.The Inspector of Police,
District Crime Branch,
Madurai District.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-32965[F] dated 28/10/2021)

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RK(26/11/2021) 3P 4C