



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.7540 of 2021

WEB COPY

- 1.Manohar @ Manoharan
- 2.Karthick
- 3.Prabhu
- 4.Balu

... Petitioners/Accused No.1 to 4

Vs.

The State rep by

- 1.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(In Crime No.70 of 2021)

...1st Respondent/Complainant

- 2.Ramasamy Thevar

...2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.70 of 2021 dated 19.01.2021 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.S.Sathya Chidambaram

For Respondents : Mr.M.Sakthikumar,
Govt. Advocate (Crl. Side) for R1

M/S.K.Baalasundharam for R2

O R D E R

This criminal original petition has been filed for quashing the FIR in Crime No.70 of 2021 registered on the file of the first respondent for the offences under Sections 294(b), 323 and 427 of IPC.

2.The defacto complainant/Ramasamy Theavar is present before this Court in person. He has been duly identified by Mr.K.Subramanian, Sub Inspector of Police attached to Aranthangi police station. Crime No.70 of 2021 is a counter case to Crime No.68 of 2021 lodged by the second petitioner herein. The other case has already been quashed by recording the compromise memo between the parties. Therefore, as a logical corollary, the present case also has to be quashed. But then, learned Additional Public Prosecutor would point out that the fourth petitioner is



having a previous case. Normally when the accused is having any previous case, I would hesitate to quash the criminal proceedings on the strength the compromise arrived at between the parties. If the antecedents of the accused is ignored while quashing criminal cases on the strength of compromise, then that would only encourage the accused to commit crimes with the hope that the matter can be compromised later. Such an approach cannot be accepted. However, in the case on hand, since the present case is a counter case and since the other case had already been quashed, it would not be in the interest of justice to keep the impugned prosecution alive. Therefore, I quash the impugned prosecution on the strength of compromise memo dated 15.04.2021. The criminal original petition is allowed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

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:

Enclose copy of Joint Compromise Memo.

- 1.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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