



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G. ILANGO VAN

CrI.O.P(MD)No.8609 of 2021

1.Muneeswarar

2.Minor Sundareswarar, M/16
S/o.Dhanasekaran,
Rep. by his father and next friend
Dhanasekaran,
130-B, Ganeshapuram Road,
Pettavaithali, Trichy District.

3.Vasanthakumar

4.Minor Karthick, M/16
S/o.Raja,
Rep. by his father and next friend Raja
15, 125/1, Pudhu Street, Devasathanam,
Pettavaithalai, Trichy District.

5.Rahul @ Rahul Prasath

6.Divakar, M/16,
S/o.Sekar,
Rep. by his mother and next friend
Bhuvaneswari,
97/88, Pudhu Street, Devasathanam,
Pettavaithalai, Trichy District. ... Petitioners

Vs

1.State represented by
The Inspector of Police,
Pettavaithalai Police Station,
Trichy District.
(Crime No.780 of 2020) ... 1st Respondent/Complainant

2.Vijay ... 2nd Respondent /
Defacto Complainant

PRAYER: Petition is filed under Section 482 of Code of Criminal Procedure, to call for records pertaining to the FIR in Crime No.780 of 2020, on the file of the first respondent police and quash the same as illegal.

For Petitioners	: Mr.D.Venkatesh
For R1	: Mr.RM.Anbunithi,
	Additional Public Prosecutor
For R2	: Mr.T.Lenin Kumar

**ORDER**

This Criminal Original Petition is filed to quash the First Information Report in Crime No.780 of 2020, on the file of the first respondent police for the offences punishable under Sections 147, 294(b), 323, 324 and 506(ii) of IPC.

2. Enquiry as well as the verification of birth certificate of Sundareswarar/second petitioner, Karthick/fourth petitioner and Divakar/sixth petitioner shows that on the date of occurrence, they were minor and hence, their names are deleted from the joint compromise memo.

3. The second respondent / defacto complainant as well as the petitioners 1, 3 and 5 are present before this Court through video conference and they are identified by the respective learned counsels 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 case.

4. However, during verification, it is found that the name of Vasantha Kumar/ third petitioner has been wrongly mentioned in the Aadhar Card as Vasanth Chitra. Hence, enquiry was made with the second respondent/defacto complainant with regard to the identity of the third petitioner and the second respondent/defacto complainant stated that the third petitioner's name is Vasantha Kumar and they are residing in the same locality. In such circumstances, the learned counsel for the petitioners was directed to file an affidavit to the effect that the Vasantha Kumar/third petitioner is the concerned person who is mentioned in the First Information Report and his name is wrongly mentioned in Aadhar Card. Such an affidavit is also filed before this Court. Hence, this Court is inclined to accept the identity of the third petitioner.

5. The the parties are present at the learned Additional Public Prosecutor office and their identities have also been verified through video conference. Since the matters in issue has been compromised between the parties, no purpose will be served in keeping the case pending further.

6. In the result, by recording the compromise, this Criminal Original Petition is partly allowed and the proceedings in FIR in Crime No.780 of 2020, on the file of the first respondent police is



quashed as against the petitioners 1, 3 and 5. The joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

WEB 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.

Enclosed herewith Copy of the Joint Compromise Memo

To:-

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

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RD/PM (25.11.2021) 3P 3C