



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.11285 of 2021

WEB COPY

1. A.Karuppusamy
2. Nagaraj
3. Thiruppuvanam
4. Mayilammal @ Santhi
5. Priyadarshini @ Devadarshini
6. Rajeswaran ... Petitioners / Accused Nos.1 to 6

Vs.

1. The State through,
The Inspector of Police,
Usilampatti Taluk police station,
Madurai District.
(Crime No.155 of 2021) ... Respondent No.1 / Complainant
2. Parvathi ... Respondent No.2/ Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to quash the FIR in Crime No.155 of 2021 dated 02.07.2021 on the file of the first respondent police station, by accepting the joint compromise memo dated 23.07.2021.

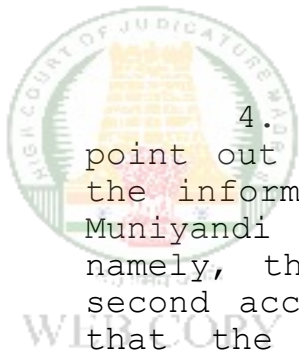
For Petitioners	: Mr.R.Babu Jaganath
For R-1	: Mr.A.Albert James, Government Advocate(Crl. Side)
For R-2	: Mr.S.Karthikeyan

O R D E R

Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent.

2. The petitioners have been arrayed as accused in Crime No.155 of 2021 registered on the file of Usilampatti Taluk police station for the offences under Sections 147, 148, 294(b), 342, 324, 307 and 506(ii) of I.P.C.

3. The defacto complainant is the second respondent herein, namely Parvathi. She had alleged that her son Muniyandi was attacked by the petitioners herein. Admittedly, the defacto complainant is not an eyewitness. The First Information Report itself reads that her son was taking treatment in the hospital and based on his information, she lodged the complaint. One can safely conclude that the defacto complainant is only a hearsay witness. Information was lodged on 02.07.2021 at 18.30 hours.



4. The learned counsel appearing for the petitioners would point out that the first petitioner herein Thiru.A.Karuppusamy was the informant in Crime No.154 of 2021 in which the said Suriya @ Muniyandi is figuring as the first accused and his brother Seenu, namely, the other son of the defacto complainant is figuring as second accused. The specific stand of the petitioners' counsel is that the impugned First Information Report was registered as counterblast and response to the registration of Crime No.154 of 2021.

5. The Hon'ble Supreme Court in the decision reported in 1992 Supp (1) SCC 335 (State of Haryana vs. Bhajan Lal) has held that if the proceeding has been initiated with a view to wreck vengeance and attended by *mala fides*, then it is a ground for quashing the same. I am more than satisfied that the impugned First Information Report has been registered only as a counterblast to the registration of the First Information Report in Crime No.154 of 2021. Therefore, the impugned First Information Report is quashed.

6. This criminal original petition is allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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,
Usilampatti Taluk police station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.O.P.(MD)No.11285 of 2021
21.12.2021

RK(06/01/2021) 2P 3C

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