



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 01.04.2021

DATE ON WHICH PRONOUNCED : 09.04.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)Nos.13808 of 2017 & 3955 of 2020

1.C.Vaikundasekar ... Petitioner/Accused No.3
(in Crl.O.P.(MD)No.13808 of 2017)

1.Stephen
2.Prabhu ... Petitioners/Accused Nos. 1 & 4
(in Crl.O.P.(MD)No. 3955 of 2020)

Vs.

1.The State of Tamil Nadu,
Rep by its Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District. ... 1st Respondent/Complainant

2.G.Parthip ... 2nd Respondent/Defacto Complainant
(in both petitions)

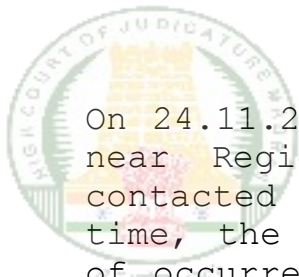
Common Prayer:Criminal Original Petitions filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in Crime No.567 of 2014, on the file of the first respondent herein, and to quash the same as against these petitioners by accepting the joint compromise memo dated 19.02.2020.

For Petitioners : Mrs.P.Jessi Jeeva Priya
(In both Petitions)
For R1 : Mr.M.Ganesan
Government Advocate (Crl.Side)
(In both Petitions)
For R2 : Mr.S.R.Sathan Boopathy
(In both Petitions)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in Crime No.567 of 2014, on the file of the first respondent.

2. The complainant was working as a driver under the first accused, namely, Vaikundasekar some time 2 1/2 of years prior to the date of occurrence. At that time, an accident took place in Kozhikode, In respect of which money dispute arose between them.



On 24.11.2014, at about 10 am, when the complainant was standing near Regional Transport office, the accused, namely, Stephen contacted him and he informed him about the place. After some time, the said Stephen and four other persons came to the place of occurrence and took him in a van. When it was mid way, he was tied with the ropes, was assaulted and also threatened that if he to make any noise they would kill him by pointing knife in his neck. He was abused and forced him to talk to his mother to give Rs.40,000/- to a person informed by them. Because of the force exerted by those persons, he informed his mother to pay Rs.40,000/- and after payment, he was left in that place.

3. He made the complaint before the first respondent on 25.11.2014 in pursuance of which, a case was registered in Crime No.567 of 2014 under Section 147, 366 (A), 385 and 109 IPC and the investigation was undertaken by the first respondent and the first accused was also arrested. Pending investigation, both the accused filed a separate Criminal Original Petitions as mentioned for quashing the First Information Report. During pendency of the petitions, they entered into compromise and filed separate joint compromise memos.

4. Terms of joint memos;

The matter has been amicably settled between the parties and in view of the compromise made between the complainant namely, the second respondent herein is not interested in pursuing the further proceedings in Crime No.567 of 2014 and has no objection to quash the proceedings. The accused and the defacto complainant appeared through video conference with their respective counsels, identified the defacto complainant as well as the accused persons. Compromise is recorded.

5. The point which arises for consideration is, whether the First Information Report registered in this case can be quashed for the reasons stated above;

6. The offences alleged are under Sections 147, 366 (A), 385 and 109 IPC. It is submitted by the parties that even though the offences alleged are non-compoundable in nature, in view of the compromise reached between the parties and in view of the guidance of the Supreme Court in the judgement reported in **State of Madhya Pradesh vs Laxmi narayan and others Crl.A.No.349 of 2019 dated 05.03.2019** FIR may be quashed. It appears that a money transaction arose between the first accused and the defacto complainant and it appears that money was also paid by him to the first accused.

7. The final report has not been filed so far by the respondent it is only the investigation stage. As per the judgement of Supreme Court mentioned above, the stage of



investigation may also be taken in to account for quashing First Information Report. Since the investigation is in the initial stage I am of the considered view that no useful purpose is going to served in making the investigation further in the matter and file final report. Moreover, it is also seen that the defacto complainant has also filed an affidavit before the investigating officer stating that the matter was compromised and he did not want to pursue the matter further.

8. So, in view of the above said facts I am of the considered view that the First Information Report in Crime No.567 of 2014 pending on the file of the first respondent, is liable to be quashed and accordingly quashed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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,
Nesamony Nagar Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-15881[F]
dated 15/04/2021)

Crl.O.P. (MD)Nos.13808 of 2017 & 3955 of 2020
09.4.2021

SSS(CO)

TR(06.05.2021) 3P 4C