



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.2353 of 2022

WEB COPY

1. Abuthahir ...Petitioner/Accused No.2
2. Basheer Ahamed ...Petitioner/Accused No.3
3. Davodh @ Sheikh Thavuth ...Petitioner/Accused No.6
(Wrongly mentioned in the FIR as
Davodh Instead of Sheikh Thavuth)
4. Harbee Ali @ Haji Ali ...Petitioner/Accused No.7
Vs.
1. The Inspector of Police,
S.S.Colony Police Station,
S.S.Colony,
Madurai District.
(Crime No.559 of 2016)... 1st Respondent/Complainant
2. Arokiya Doss ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Crime No.559 of 2016 dated 14.05.2016 on the file of 1st respondent police and quash the same.

For Petitioners : Mr.R.Karunanidhi
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R2 : Mr.R.Mathava Selvam

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No. 559 of 2016, on the file of the first respondent police, for an alleged offences under Sections 147, 148, 341, 294(b), 323, 324, 427 r/w 109 of IPC.

2.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending before the respondent police. Even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai



Vs. State of Gujrath), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.559 of 2016 pending on the file of the first respondent police.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.559 of 2016, on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. The petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each as costs, to the District Siddha Medical Officer, CCRI, Periyakulam in State Bank of India, Periyakulam Branch bearing Account No.10767823177, IFSC No.SBIN000898, MICR Code No.625002601, on or before 07.03.2022.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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.

ENCL:Xerox Copy of Joint Compromise Memo

To:

1. The Inspector of Police,
S.S.Colony Police Station,
S.S.Colony, Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-9070[F] dated 28/02/2022)

ORDER IN

Crl.O.P. (MD)No.2353 of 2022

28.02.2022

SE (CO)

GC(03.03.2022) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>