



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P(MD)No.3922 of 2022

1.M.Mariya Jimson @ Suresh

2.M.Johnson @ Sunil

... Petitioners/Accused

Vs.

1.The State represented by
The Inspector of Police,
Colachel Police Station,
Kanyakumari District.
(Crime No.475 of 2020)

... Respondent/Complainant

2.M.Rakish

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to Crime No.475 of 2020 on the file of Sub Inspector of Police, Colachel Police Station, Kanyakumari District and quash the same.

For Petitioners : Mr.V.Balaji Rajaram

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor(CrI.Side)
for R.1

Mr.S.Arul for R.2

ORDER

This Criminal Original Petition has been filed to quash the FIR as against the petitioners in Crime No.475 of 2020 on the file of the first respondent for the alleged offences under Sections 323 and 506(i) IPC.

2. The case is under 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 has 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 FIR in Crime No.475 of 2020 pending on the file of the first respondent, 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 FIR in Crime No.475 of 2020 .

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.475 of 2020 pending on the file of the first respondent is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) 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 29.03.2022 and the receipt of payment shall be produced before the respondent police, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

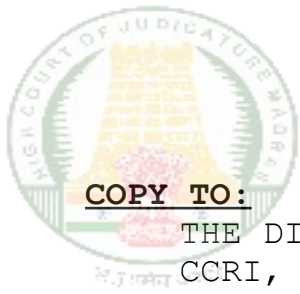
Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

ENCL:Xerox Copy of Joint Compromise Memo

To

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

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



COPY TO:

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM.

+1 CC to M/s.V.BALAJI RAJARAM, Advocate (SR-13435[F]
dated 22/03/2022)

CrI.O.P(MD)No.3922 of 2022
21.03.2022

AC (CO)
GC (22.03.2022) 3P 5C