



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. (MD) No.3960 of 2022

Mohamed Irfan

...Petitioner/Sole Accused

Vs.

1. The State Rep. by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No.664 of 2021) ... 1st Respondent / Complainant
2. Pitchaiyatha ... 2nd Respondents / Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to to call for the records in connection with Crime No.664 of 2021 on the file of the 1st respondent police and quash the same.

For Petitioner	:	Mr.B.Fazil Kirmani
For Respondent	:	Mr.R.M.Anbunithi
No.1		Additional Public Prosecutor
For Respondent	:	Mr.J.Sulthan Basha
No.2		

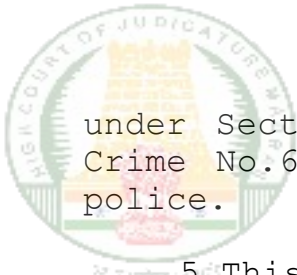
ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 664 of 2021 on the file of the 1st Respondent.

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 petitioner 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 Gujrat), this Court in exercise of its jurisdiction



under Section 482 Cr.P.C. quashes the First Information Report in Crime No.664 of 2021 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.664 of 2021, on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order. The petitioner 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, No.625002601, on or before 15.03.2022 and the receipt of payment shall be produced before the first respondent police, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

encl.: xerox copy of joint compromise memo.

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,
Cumbum North Police Station, Theni District.
2. The District Siddha Medical Officer, CCRI, Periyakulam.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.FAZIL KIRMANI, Advocate (SR-10762[F] dated 09/03/2022)

ORDER IN

Cr1.O.P. (MD) No.3960 of 2022

08.03.2022

sp(CO)

TR(11.03.2022) 2P 5C