



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.3995 of 2022

in

Crl.M.P.(MD) No.2903 of 2022

1.Mahesh
2.Sundar

...Petitioners/Accused No. 1&2

Vs.

1.The State Rep. by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Crime No.565 of 2017)

... 1st Respondent/Complainant

2. Mahesh

...2nd Respondent/Defacto Complaiant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to to call for the records relating to the FIR in Crime No.565 of 2017 on the file of the 1st respondent herein and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.J.Sulthan Basha
For Respondents : Mr.R.M.Anbunithi
No.R1 Additional Public Prosecutor
For Respondents : Mr.T.Swathi Sankaravathanan
No.R2

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 565 of 2017 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 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 Gujarath)**, this Court in exercise of its jurisdiction



under Section 482 Cr.P.C. quashes the First Information Report in Crime No.565 of 2017 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.565 of 2017, 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 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

11/03/2022

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,
Suchindram Police Station,
Kanyakumari 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.J.SULTHAN BASHA, Advocate (SR-10761[F]
dated 09/03/2022)

Crl.O.P. (MD) No.3995 of 2022

Crl.M.P. (MD) No.2903 of 2022

08.03.2022