



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)Nos.4273 and 4290 of 2022

WEB COPY

Crl.O.P(MD)No.4273 of 2022

Abishanth @ Abishanth Herbert

... Petitioner/Sole Accused.

Vs.

1. State rep. by
The Sub Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.528 of 2020)

...1st Respondent/Complainant

2.Pennish @ Binny Tap

...2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the impugned FIR in Crime No.528 of 2020 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.C.Murugesan

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

Crl.O.P(MD)No.4290 of 2022

1.Penni @ Binny Tap
2.Nirmal

... Petitioners/Accused 1 & 2

Vs.

1. State rep. by
The Sub Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.529 of 2020)

... 1st Respondent/
Complainant

2.Abishanth @ Abishanth Herbert

... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the impugned FIR in



Crime No.529 of 2020 on the file of the 1st respondent herein and quash the same.

For Petitioners : Mr.K.Rajeshwaran
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For R2 : Mr.C.Murugesan

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C O M M O N O R D E R

The Criminal Original Petitions have been filed to quash the proceedings in Crime Nos. 528 and 529 of 2020 on the file of the first respondent.

2.The case are 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.The Joint Memos of Compromise have been filed before this Court which have been signed by the petitioners and the second respondents and also by their respective counsels.

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.1537 of 2021 pending on the file of the **first** respondent police.

5.This Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime Nos. 528 and 529 of 2020 on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memos shall form part and parcel of this order. Further, the petitioner in Crl.O.P (MD)No.4273 of 2022 and the petitioners in Crl.O.P(MD)No.4290 of 2022 are directed to pay a sum of Rs.5,000/- 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 **14.03.2022** and the receipt of payment shall be produced before the first respondent, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Sub Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3. The District Siddha Medical Officer, CCRI,
Periyakulam

+2 CC to M/s.K.RAJESHWARAN, Advocate (SR-10637[F] & SR-10638[F]
dated 08/03/2022)

Crl.O.P.(MD)Nos.4273 and 4290 of 2022

07.03.2022

MGJ(14.03.2022) 3P 6C