



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.5386 of 2022

1.S.Larkes
2.L.Siluvai Anto Viswa @ Viswa
3.Christy
4.John Britto @ Britto @ Kattayan
5.Dimilan Devotta Siluvai Antony @ Dimilan ... Petitioners/
Accused Nos.1 to 5

Vs.

1.The State represented by
The Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No.85 of 2022) ... Respondent /Complainant
2.J.Pathinathan ... Respondent/De-facto Complainant
3.P.Thomas Thibin @ Thibin ... Respondent /Injured
4.Sahaya Lidwin Mary @ Littin ... Respondent /Victim

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in Crime no.85 of 2022 on the file of the first respondent police and quash the FIR in Crime No.85 of 2022 on the file of first respondent police against these petitioners.

For Petitioners : Mr.KA.Raamakrishnan
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor for R.1
Mr.M.Muthumalai Raja for R.2

ORDER

The Criminal Original Petition has been filed to quash the FIR as against the petitioners/ Accused Nos.1 to 5 in Crime No.85 of 2022 on the file of the first respondent for the alleged offences under Sections 147, 341, 294(b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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 respondents 2, 3 and 4 and also by their respective counsel.

4. Under such circumstances, no useful purpose will be served in keeping the FIR in Crime No.85 of 2022 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 Gujrat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.85 of 2022 .

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.85 of 2022 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 01.04.2022 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 (Crl.Side)

// 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 Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

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



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

COPY TO:

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM.

CrI.O.P(MD)No.5386 of 2022
23.03.2022

SJ(CO)
GC(25.03.2022) 3P 4C