



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.5707 of 2022

Thibin ... Petitioner/Accused No.3

Vs.

1.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.94 of 2019) ... 1st Respondent / Complainant

2.Sahayarajan ... 2nd Respondents / Defacto complainant

3.Samuel ... 3rd Respondent / Victim

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.94 of 2019 dated 25.02.2019 on the file of the first respondent Police and quash the same as illegal as against the petitioner/Accused No.3 is concerned.

For Petitioner : Mr.D.Balamurugapandi
For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor(Crl. Side)

ORDER

The Criminal Original Petition has been filed to quash the FIR as against the petitioner in Crime No.94 of 2019 on the file of the first respondent for the alleged offences under Sections 294(b), 323 and 506(2) of I.P.C.

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. The learned Additional Public Prosecutor would submit that the respondent police completed investigation and final report is yet to be filed.

4. A Joint Memo of Compromise has been filed before this Court which has been signed by the petitioner, the second and third respondents and also by their respective counsel.



5. Under such circumstances, no useful purpose will be served in keeping the FIR in Crime No.94 of 2019 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.94 of 2019.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.94 of 2019 pending on the file of the first respondent and the consequential proceedings are quashed and the terms of Joint Memo of Compromise 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 credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) on or before 05.04.2022 and produce the receipt before the respondent police, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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



Copy to

The Officer Incharge,
Chief Ministers Public Relief Fund,
Finance(CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-15099[F] dated
29/03/2022)

Crl.O.P(MD) .No.5707 of 2022
29.03.2022

sj(CO)
TR(30.03.2022) 3P 5C