



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) No.6589 of 2022

WEB COPY

1.Surya Selva

2.Nivash @ Surya Nivash

3.Surya Prakash

...Petitioners/Accused 1 to 3

Vs.

1. The State rep. by its
The Inspector of Police,
Aralvaimozhi Police Station
Nagercoil,
Kanyakumari District.
(Crime No.03/2016)

... 1st Respondent/Complainant

2. Bagavadhiyappan

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in connection with Crime.No.3 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioner	:	Mr.G.Rajaguru
For R1	:	Mr.R.M.Anbunithi
		Additional Public Prosecutor
For R2	:	Mr.V.Kishore Kumar

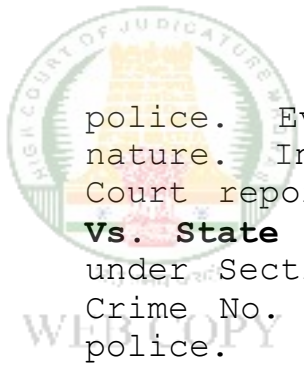
ORDER

The Criminal Original Petition has been filed to quash the proceedings in Crime.No.3 of 2016, on the file of the first respondent police, for an alleged offences under Sections 294(b), 323 and 506(i) of IPC.

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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No. 3 of 2016 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. 3 of 2016 pending 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. Further, the petitioners shall pay a sum of Rs.5,000/- 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 **13.04.2022** 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 (RTI)

// True Copy //

11/04/2022

Sub Assistant Registrar(CS-II)

lr

ENCL:Xerox Copy of Joint Compromise Memo

To

1.The Inspector of Police,
Aralvaimozhi Police Station
Nagercoil,
Kanyakumari District.

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

COPY TO:

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI - 9.

+1 CC to M/s.G. RAJAGURU, Advocate (SR-17751[F] dated 11/04/2022)

Crl.O.P.(MD) No.6589 of 2022

08.04.2022

SRR(CO)GC(11.04.2022) 2P 5C
<https://hcservices.ecourts.gov.in/hcservices/>