



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.8033 of 2022

1.Vaitheeswaran
2.Silamparasan
3.Ajithkumar
4.Michael Kennadi ... Petitioners/Accused A1 to A4
Vs.

1.State rep., by
The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
(Crime NO.24 of 2022)

2.Ilankumar ... Respondents 1 & 2/Complainant/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.24 of 2022 dated 27.03.2022 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.A.Arputharaj
For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Crl. Side)
For R-2 : Mr.Sabbani Bar Baranjothi

ORDER

The Criminal Original Petition has been filed to quash the FIR as against the petitioners in Crime No.24 of 2022 on the file of the first respondent for the alleged offence under Section 379 IPC.

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 second respondent and also by their respective counsel.



4. Under such circumstances, no useful purpose will be served in keeping the FIR in Crime No.24 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.94 of 2019.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.24 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 credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) on or before 27.05.2022 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 II)

// True Copy //

23/05/2022

Sub Assistant Registrar(CS)

rmk

Encl: Photocopy 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,
Aravayal Police Station,
Sivagangai District.
2. The Joint Secretary to Government,
CMPRF in IOB(Finance Department),
Secretariat Branch,
Chennai-9.



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

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-22778[F] dated 29/04/2022)

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MGJ (23.05.2022) 3P 5C