



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.05.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P(MD)No.9555 of 2022

M.Samydurai ... Petitioner/9th Accused

Vs.

1.The Additional Superintendent of Police,
Pathamadai Police Station
Cheranmadevi Sub Division,
Tirunelveli District. ...1st Respondent/Complainant

2.Prabakaran ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and to quash the entire proceeding in S.C.No.49 of 2020 on the file of the II Additional District Judge, Tirunelveli against the petitioner/9th accused herein.

For Petitioner	:	Mr.J.Gunaseelan Muthiah
For R-1	:	Mr.M.Sakthikumar
		Government Advocate (Crl.side)
For R-2	:	Mr.P.Senthoo Pandi

ORDER

This Criminal Original Petition has been filed to quash the S.C.No.49 of 2020 on the file of the II Additional District Judge, Tirunelveli against the petitioner/9th accused herein.

2.When the matter is taken up for hearing, the petitioner and the defacto complainant appeared in person before this Court. On enquiry, the defacto complainant submits that he has agreed to withdraw the complaint against this petitioner alone. The petitioner is a B.E.Graduate and his name was not mentioned in the FIR. But, subsequently, included in the Charge Sheet.

3.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4.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.



5. 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 Gujraht)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in C.C.No.129 of 2021 pending on the file of the first respondent police.

6. The learned Government (Crl.Side) would submit that the defacto complainant received compensation amount of Rs.1,50,000/- from the accused. But, when the case is still pending against the other accused, the objection raised by the learned Government (Crl.Side), is not acceptable.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.49 of 2020, on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order. Insofar as the other accused is concerned, the case is still pending.

Sd/-

Vacation Officer/
Assistant Registrar (CS-III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

dss

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 II Additional District Judge,
Tirunelveli.

2.The Additional Superintendent of Police,
Pathamadai Police Station
Cheranmadevi Sub Division,
Tirunelveli District.

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



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

+1 CC to M/s.J. GUNASEELANMUTHIAH, Advocate (SR-23851[F]
dated 20/05/2022)

CrI.O.P(MD)No.9555 of 2022
19.05.2022

SE (CO)
GC(02.06.2022) 3P 5C