

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.16210 of 2022

1.Antony Christopher
2.Shajin

...Petitioners

vs.

1.State represented by Inspector of Police,
Suchindrum Police Station,
Kanniyakumari District.
(Cr.No.672 of 2017)

2.Ebenezer

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to FIR in Cr.No.672 of 2017, dated 26.12.2017 on the file of the Inspector of Police, Suchindram Police Station, Kanniykumari District and to quash Crl.O.P.(MD)No. 2186 of 2021 as against the Petitioners.

For Petitioner	: Mr.P.Saravanakumar
For R1	: Mr.A.Albert James
	Government Advocate
For R2	:Mr.Prasanna

ORDER

Heard Mr.P.Saravanakumar, learned Counsel for the Petitioners, Mr.A.Albert James, learned Government Advocate for the first Respondent and Mr.S.Prasanna, learned Counsel for the second Respondent.

2.The learned Counsel for the Petitioners submitted that after the registration of the case, there had been compromise on the advise of the village elders. Based on the same, joint compromise memo recorded. In the light of the joint compromise memo, the learned Counsel for the Petitioners seeks to quash the FIR in Cr.No.672 of 2017, dated 26.12.2017 on the file of the Inspector of Police, Suchindram Police Station, Kanniykumari District

3.To clarify the same, the parties to the compromise, the Petitioners herein and the De-Facto Complainant were summoned by this Court to appear in the Chamber of the Presiding Judge, so that the statement of each of the accused and the De-Facto Complainant can be recorded. For the purpose of identification, the first Respondent was also directed to appear through Government Advocate.

4. Accordingly, in the Chamber, in the presence of Mr.P.Saravana Kumar, learned Counsel for the Petitioners, Mr.A.Albert James, learned Government Advocate for the first Respondent and Mr.S.Prasanna, learned Counsel for the second Respondent, the Investigation Officer had identified the accused and the De-Facto Complainant.

5. In the presence of the learned Counsel for the Petitioners, the learned Government Advocate and in the presence of the Investigation Officer, the statements of the accused, Petitioners, namely, Antony Christopher and Shajin, were recorded separately. The statement of the De-Facto Complainant was also recorded regarding clarification whether he had entered into the compromise based on the infer or threat or coercion of the Petitioners herein. He had clearly stated that they are neighbours. Subsequently, after change of minds by the Petitioners, they had approached him through the village elders. Therefore, to maintain the earlier relationship, he had arrived at a compromise to prevent the Petitioners from getting affected with this criminal case.

6. Based on the statement recorded from the De-Facto Complainant, this Court arrives at a conclusion that the compromise arrived at between the Petitioners and the second Respondent/De-Facto Complainant are *bona fide* and genuine. Therefore, the compromise is recorded.

7. In the light of the compromise, to avoid the criminal case having a negative or infer on the future prospectus of the Petitioners, who are arrayed as accused, the Criminal Original Petition is allowed and the FIR in Cr.No.672 of 2017, dated 26.12.2017 on the file of the Inspector of Police, Suchindram Police Station, Kanniyakumari District is quashed. The Joint Compromise Memo shall form part of this order.

Index:Yes/No

16.09.2022

cmr

To

The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.

Crl.O.P.(MD) No.16210 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

cmr

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