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CrI.O.P.No.28026 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

CrI.O.P.No.28026 of 2019
and CrI.M.P.No.14960 of 2019

1.Mohamed Faizullah
2.Md.Shafiullah

... Petitioners

Vs.

1.State Rep by:
The Inspector of Police,
Arcot Town Police Station,
Vellore.

2.Anarkali

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Cr. No.644/2019 pending on the file of the Arcot Town Police Station, Vellore and quash the same.

For Petitioners : Mr.Karthikeyan Sekar

For Respondents : Mr.A.Gopinath for R1

: Ms.S.Hemalatha for R2



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ORDER

This Criminal Original Petition has been filed to call for the records in Cr. No.644 of 2019 on the file of the first respondent police and quash the same.

2. Heard Mr.Karthikeyan Sekar, learned counsel for the petitioners, Mr.A.Damodaran, learned Government Advocate (Crl.side) appearing for the first respondent and Ms.S.Hemalatha, learned counsel for the second respondent.

3. The learned counsel for the petitioners submitted that the second respondent was working as a 'Coolie' at the Beedi manufacturing unit of the petitioners; the complaint has been given consequent to the dispute between the petitioners and the second respondent with regard to the wages payable to the second respondent; now both the second respondent and petitioners have amicably settled the issues between themselves and in pursuant to that a Joint Compromise Memo was also signed by the *de facto* complainant and the accused; in view of the same, the *de facto* complainant does not want to pursue the matter further.



4. When the matter is taken up today, the petitioners/ accused 3 & 4 and the Accused 1,5 & 6 and the *de facto* complainant were present before this Court and they were identified by their respective counsel. In order to identify the respective parties, they have also produced the copies of their Aadhaar Cards. A2 died and the death certificate of A2 is produced. A5 is not present and his discharge summary is produced.

5. When enquired, the second respondent / *de facto* complainant stated that the matter has been settled between herself and the petitioners. Since the petitioners happened to be her employers, she wanted to purchase peace with them by amicably settling the matter. She further stated that she had signed in the Joint Compromise Memo without any coercion or influence. The learned counsel for the second respondent has also asserted that the *de facto* complainant had signed the compromise memo without any coercion or influence and out of her own volition.

6. Considering the relationship between the defacto complainant and the petitioners and the origin of the complaint, I feel it is appropriate to allow the parties to bury their hatchets and go in peace.



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7. In view of the compromise, no useful purpose will be served in keeping the proceedings pending. 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 power under Section 482 Cr.P.C. prefers to quash the FIR in Cr. No.644/2019 on the file of the first respondent.

8. In the result, these Criminal Original Petition is allowed and as a sequel, the FIR in Cr. No.644/2019 on the file of the first respondent is quashed. The Joint Memo of Compromise entered into between the parties shall form part of this order. Connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
bkn

23.02.2023



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To

WEB COPY

1. The Inspector of Police,
Arcot Town Police Station,
Vellore.
2. The Public Prosecutor,
High Court of Madras.



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R.N.MANJULA, J.

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