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Crl.O.P.No.31554 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31554 of 2022

- 1.Kiliyan
- 2.Sasi @ Sonai
- 3.Malaiyarsan
- 4.Muthukaruppan
- 5.Akilarani
- 6.K.Pandi
- 7.M.Alaguraja
- 8.P.Ravi

... Petitioners

Vs.

- 1.The State,
Rep. by Inspector of Police,
Moolanur Police Station,
Tiruppur District.

- 2.Arasi
- 3.Marichamy

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records and quash the First Information Report in Crime No.128 of 2021 pending before the 1st respondent police as against the petitioners for offences under Sections 363, 120(B), 147, 294(b), 341, 323 and 506(i) IPC.



Crl.O.P.No.31554 of 2022

For Petitioners : Mr.T.R.Subramanian
For R1 : Mr.S.Santhosh,
Government Advocate (Crl.Side)
For R2 & R3 : Mr.R.Ganesh Babu

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.128 of 2021 on the file of the first respondent as against the petitioners for the offences punishable under Sections 363, 120(B), 147, 294(b), 341, 323 and 506(i) IPC.

2.It is alleged that the husband of the defacto complainant was kidnapped for the reason that he failed to repay the amount borrowed from the first petitioner.

3.The learned counsel for the petitioners submitted that the petitioners are present, the second respondent/*de-facto* complainant and the third respondent/victim are also present before this Court. He submitted that the petitioners and the respondents 2 and 3 have resolved their dispute and they have no objection for quashing the same. Hence, he



Crl.O.P.No.31554 of 2022

WEB COPY

seeks for quashing the FIR in Crime No.128 of 2021 registered under Sections 363, 120(b), 147, 294(b), 341, 323 and 506(i) of IPC.

4.The learned Government Advocate (Crl.Side) submitted that by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5.A Joint Memo of Compromise dated 21.11.2022 has been filed before this Court, which have been signed by the petitioners and the respondents 2 and 3 and also by the learned counsel for the parties. In the joint compromise memo, it is stated that the accused persons and the respondents 2 and 3 are colleagues in a Brick Chamber. A small issue had snowballed into this case. Due to the advise of elders of Brick Chamber, they have resolved their issue amicably.

6.The petitioners and the respondents 2 and 3 were also present in person before this Court and they were identified by **Mr.A.Kalimuthu, SSI 1404, Moolanur Police Station, Tharapuram Taluk, Tiruppur District.** This Court also enquired both the parties and was satisfied that



Crl.O.P.No.31554 of 2022

the parties have come to an amicable settlement between themselves. The respondents 2 and 3 answered this Court, that they did not want to proceed with the case against the petitioners and they have no objection for quashing the FIR in Crime No.128 of 2021 on the file of the first respondent.

7.Considering the fact that the respondents 2 and 3 did not want to prosecute the case against the petitioners and that they have no objection for quashment of proceedings and also considering that the offences are compoundable offence, no useful purpose will be served in keeping the First Information Report pending.

8.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.128 of 2021.



CrI.O.P.No.31554 of 2022

WEB COPY

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.128 of 2021, on the file of the first respondent police is quashed and the terms of joint compromise memo shall form part and parcel of this order.

24.01.2023

Index: Yes/No
Speaking/Non speaking order
sp

To

1. The Inspector of Police,
Moolanur Police Station,
Tiruppur District.

2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.31554 of 2022

G.CHANDRASEKHARAN.J.,

sp

Crl.O.P.No.31554 of 2022

24.01.2023