



Crl.O.P.(MD)No.1155 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.1155 of 2023
and Crl.M.P.(MD).No.1029 of 2023

1.M.Abdulla Khan
2.Mohamed Fathima
3.Syed Abthahir @ Abthahir
4.Ahmed Saleem @ Saleem ... Petitioners/Accused 1 to 4
(petitioners 3 and 4 names wrongly mentioned in the FIR)

Vs.

State through

1.The Inspector of Police,
Cumbum North Police Station,
Cumbum,
Theni District. ... 1st Respondent/Complainant

2.Thirupathy ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to FIR in Crime No.683 of 2016, pending on the file of the 1st respondent and quash the same as against the petitioner is concerned.

For Petitioners : Mr.N.Kamesh

For R1 : Mr.M.Muthumanikkam
Additional Public Prosecutor

For R2 : Mr.P.Pandiarajan



ORDER

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This petition has been filed seeking to quash the impugned FIR in Crime No.683 of 2016 on the file of the 1st respondent police.

2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.683 of 2016 for the offences punishable under Sections 417 & 420 IPC against the petitioners.

3.Even though serious allegation has been made against the accused, now on enquiry with the accused person, it reveal that only the defacto complainant approached the first accused for arranging job in the private aided School, Cumbum, in which, the other accused persons are no way involved. It was also admitted by the defacto complainant. But, even before the filing of the final report a compromise was reached between the first accused and the defacto complainant. The defacto complainant received the entire amount involved. It appears that still the investigation is kept pending. Even though as mentioned above serious allegation has been made against the first accused, since the matter has been compromised between the parties, by which, the second respondent herein has received the entire amount, he does not want to prosecute the



matter further. A joint memo of compromise was also filed to that effect, which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels.

4.The petitioners and the 2nd respondent appeared before this Court along with their counsels. They were also identified by the learned Additional Public Prosecutor and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 19.01.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in Crime No.683 of 2016 pending on the file of the 1st respondent police.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.683 of 2016, pending on the file of the 1st respondent police is hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order.



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Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
Cumbum North Police Station,
Cumbum,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

TM

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