



CrI.O.P(MD).No.1873 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

CrI.O.P(MD).No.1873 of 2020

Nirmal @ Sam George Nirmal

...Petitioner

Vs

1. The Inspector of Police
Pazhavor Police Station,
Tirunelveli District

2. Omega

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in Crime No.1 of 2020 on the file of the first respondent police and to quash the same against the petitioner on the basis of compromise memo filed between the petitioner and the second respondent dated 24.01.2020.

For Petitioner

: Mr.M.R.Srinivasan

For R-1

: Mr.R.M.Anbunithi

Additional Public Prosecutor

For R-2

: Mr.Karuppasamy

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Cr.No.1 of 2020 on the file of the first respondent



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police on the basis of the compromise memo filed between the petitioner and the second respondent dated 24.01.2020.

2. According to the petitioner, the First Information Report in Crime No.1 of 2020 has been registered alleging that on 31.12.2019 at about 05.30 pm., while the defacto complainant, her son and her daughter were standing in front of their house, the accused persons came there and abused the defacto complainant in filthy language and assaulted her. Further, the accused persons criminally intimidated her. Hence, the defacto complainant has given complaint on 01.10.2020 before the first respondent and the first respondent also registered a case in Crime No.01 of 2020 for the offences under Sections 294(b), 323, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Already, there is a property dispute between the petitioner and the husband of the defacto complainant and the present complaint has been given to take revenge upon the petitioner herein, as if the said occurrence had happened as alleged in the First Information Report. Since the petitioner and the second respondent are close relatives, the said issue was compromised in the presence of the elders in the village and to that effect, they entered into joint memo of compromise and hence, the First Information Report is liable to be quashed.



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3. When the case is taken up for hearing today, the learned Additional Public Prosecutor represented that already the case has been chargesheeted before the learned Judicial Magistrate, Valliyoor in C.C.No.106 of 2022 and the case stands posted for further proceedings on 11.10.2023.

4. The learned counsel appearing for the second respondent/defacto complainant also admitted that the case has been charge sheeted and C.C. No. 106 of 2022 is pending before the learned Judicial Magistrate, Valliyoor and no objection to approach the trial court for further orders..

5. The learned counsel appearing for the petitioner represented that since the matter has been compromised between the parties, this Court can record the compromise and pass orders. Since already charge sheet has been filed before the learned Judicial Magistrate, Valliyoor and no records available before this Court regarding charge sheet the petitioner can very well approach the learned Magistrate for recording compromise in accordance with law. Therefore the petitioner is at liberty to file appropriate petition before the concerned Judicial Magistrate and the learned Judicial Magistrate, Valliyoor is directed to consider such application if any filed by the parties in accordance with law.



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WEB COPY 6. With the above said observation, the Criminal Original Petition is disposed of.

06.07.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To

1. The Inspector of Police
Pazhavor Police Station,
Tirunelveli District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

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