

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.03.2023**

CORAM:

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

Crl.O.P.(MD) No.2193 of 2023

Ramkumar

... Petitioner/Accused No.4

Vs.

1.The State represented by its
The Inspector of Police,
Golden Rock Police Station,
Trichy City.

In Crime No.359 of 2021

... 1st Respondent/Complainant

2.Mohamed Abdul Kathar

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to Cr.No.359 of 2021 on the file of the Golden Rock Police Station Trichy City and quash the same in so far as the Petitioner/Accused No.4 is alone.

For petitioner : Mr.D.S.Haroon Rasheed

For R1 : Mr.S.Manikandan
Government Advocate (Crl. side)

For R2 : Mr.A.Balaji

ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.359 of 2021 on the file of the 1st respondent police.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.359 of 2021 for the offences punishable under Sections 341, 387 & 506(ii) of IPC against the petitioner.

3.The further contention of the petitioner is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioner and the 2nd respondent and also by their respective counsels.

4.The petitioner and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Government Advocate (Crl. side) and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise.

5.The learned Government Advocate (Crl. Side) would submit that the petitioner is involved in five previous cases. Most of the cases are for nuisance and one similar case was disposed of and ended in acquittal. Another case is in Crime No.11 of 2021, that was also acquitted, which is

involved under the provisions of POCSO Act. No doubt the petitioner is not having good conduct and good precedents. But the learned counsel for the petitioner would submit that now the petitioner has been selected for the for Government Service by the Southern Railway Department. He is also underway Medical Examination also. The learned counsel for the petitioner further would submit that considering the future of the petitioner, quashment may be considered, since the defacto complainant is also coming forward to make a compromise. Even though the offence of such nature requires to be properly tries, perusal of CD file shows that no identification parade has been conducted. In the complaint, it has been stated that all the accused persons were known to the defacto complainant earlier. But the above said statement is now disputed by the defacto complainant, who is present before this Court now.

6.Whatever may be considering the future of this petitioner and also in view of the joint compromise memo, dated 02.02.2023, this Court is inclined to quash all further proceedings in Crime No.359 of 2021 pending on the file of the 1st respondent police in respect of this petitioner.

7.In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.359 of 2021, pending on the file of the 1st respondent police is hereby quashed in respect of the petitioner. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

07.03.2023

Index : Yes/No

Internet : Yes/No

TM

To

- 1.The Inspector of Police,
Golden Rock Police Station,
Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGOVAN. J.

TM

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