

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.03.2023**

CORAM:

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

Crl.O.P.(MD) No.2443 of 2023

Arun @ Arunkumar

... Petitioner/Accused No.4

Vs.

1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District,
Madurai.
(Crime No.478 of 2022)

... 1st Respondent/Complainant

2.Muthukannan

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.478 of 2022, dated 20.11.2022, pending on the file of the 1st respondent police and quash the same as against the petitioner.

For Petitioner : Mr.S.Sivaprakash

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

For R2 : Mr.S.Sankar

ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.478 of 2022 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.478 of 2022 for the offences punishable under Sections 394 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. Even though serious allegation under Section 394 IPC has been made against the accused person, he was personally enquired by this Court. It is seen that the defacto complainant as well as the accused is present before this Court and stated that the accused has been selected by the Army Recruitment Board and call letter has also been received. The defacto complainant has also said that the petitioner is not involved in the above said occurrence.

5.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioner and also in view of the joint compromise memo, dated 07.02.2023, 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.478 of 2022 pending on the file of the 1st respondent police in respect of this petitioner.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.478 of 2022, pending on the file of the 1st respondent police is hereby quashed in respect of the petitioner alone. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

16.03.2023

Index : Yes/No

Internet : Yes/No

TM

To

1.The Inspector of Police, Thirumangalam Town Police Station,
Madurai District, Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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G.ILANGOVAN. J.

TM

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