

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2023**

CORAM:

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

Crl.O.P.(MD) No.3922 of 2023

1. Muthu @ Muthukumar

2. Saravana Kumar ... Petitioners/ Accused Nos.1 & 3

Vs.

1.The State represented by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District. ... 1st Respondent/Complainant

2.Kannan @ Sudalaikannu ... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of Crime No.114 of 2017 on the file of the 1st respondent and quash the same against those petitioners.

For Petitioners : Mr.Venkatesh.D

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

For R2 : Mr.T.Leninkumar

ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.114 of 2017 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.114 of 2017 for the offences punishable under Sections 294(b), 324 and 427 of IPC against the petitioners. It appears that there is small dispute between the parties and now the defacto complainant decided to join with the first petitioners.

3.The further contention of the petitioners 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 petitioners and the 2nd respondent and also by their respective counsels.

4.The second accused is reported to be dead and his death certificate is also produced before this Court. The learned Government Advocate (Crl. Side) also informed the Court about the death of the second accused. Even though the name of the second accused is

mentioned in the First Information Report as Sakthi Vel, the according to the learned counsel for the petitioner, the correct name is Sakthi Kumar.

5. The petitioners 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 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.

6. 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 28.02.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in Crime No.114 of 2017 pending on the file of the 1st respondent police is quashed and the compromise memo is recorded.

7. In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.114 of 2017, 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.

21.03.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

Indu

To

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

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G.ILANGO VAN. J.

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