



Crl.O.P.(MD) No.18104 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2023

CORAM:

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

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- 1.Jaheer
- 2.Mohammed Puhari
- 3.Ijash
- 4.Mohammed Kasali
- 5.Jakkiriaya Faisal
- 6.Bais
- 7.Yasar
- 8.Abdul Samth
- 9.Pavusar Ali
- 10.Mubarak
- 11.Abrar
- 12.Kadar Meeran

...Petitioners / Accused No.1 to 12

Vs.

- 1.The State Rep. by,
The Sub-Inspector of Police,
Kudankulam Police Station,
Tirunelveli District.

...1st Respondent / Complainant

- 2.Mohammed Thoufiq

...2nd Respondents / Defacto Complainant



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PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records relating to the case in Crime in F.I.R No.248 of 2023 on the file of the 1st respondent and quash the same and consequently allow the present Criminal Original Petition and pass such further or other orders of this Court.

For Petitioner :Mr.S. Pandeewaran

For Respondent :Mr.M.Sakthi Kumar for R1
Government Advocate (Crl. Side)

:Mr.S.Sekar for R2

ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.248 of 2023 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.247 of 2023 for the offences punishable under Sections 147, 294(b), 323 and 506(ii) of IPC against the petitioners.



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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 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 Government Advocate (crl.side) 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. Eventhough Petitioner No.11 / Accused No.11 also entered into a compromise with the defacto complainant, finding that he is aged about 16 years, the said compromise could not be recorded in so far as him. Perusal of records shows that no proper investigation was undertaken as per the provisions of Juvenile Justice Care and Protection Act, 2015. The offences alleged against him, were petty offences as defines under Section 2(45) of the Juvenile Justice Care and Protection Act, 2015. So instead of following a proper procedure, the investigation has been undertaken under the general provisions of law which is



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not permissible. On the sole ground, the investigation pending against the Petitioner no.11 / Accused No.11, stands quashed.

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 01.08.2023, 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.248 of 2023 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.248 of 2023, 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.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

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



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