



Crl.O.P.(MD)No.21256 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.21256 of 2022

and

Crl.M.P(MD) No.14901 of 2022

1. R.Gurumurthy
2. B.Vengateshpandi

... Petitioners/Accused No.1 and 2

Vs.

1. The Inspector of Police,
Ganesh Nagar Police station,
Pudukkottai District
(Crime No. 336 of 2022)

2. Murugan

... Respondents/Complainants

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned FIR in Crime No. 336/2022 dated 25.10.2022 pending on the 1st respondent police station and quash the same.



Crl.O.P.(MD)No.21256 of 2022

For Petitioners : Mr. M.Asif Mohamed
For R1 : Mr.S.Manikandan
Government Advocate (Crl. Side)
For R2 :Mr.M.Mahabur Subakani

ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.336 of 2022 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.336 of 2022 for the offences punishable under Sections 392 & 397 of IPC.

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



Crl.O.P.(MD)No.21256 of 2022

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 first petitioner/first accused is having four previous cases and second petitioner/second accused is concerned, he has no previous cases. He opposed to quash the FIR in respect of the first petitioner/first accused.

5.Considering the totality of the circumstances, the nature of the allegations levelled against the second petitioner and also in view of the joint compromise memo, dated 21.02.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending against the second petitioner and inclined to quash all further proceedings in Crime No.336 of 2022 pending on the file of the 1st respondent police in respect of the second petitioner. Considering the previous bad antecedents of the first petitioner, this Court is not inclined to quash the FIR.



Crl.O.P.(MD)No.21256 of 2022

WEB COPY

6.In the result, the Criminal Original Petition stands partly allowed and the entire proceedings in Crime No.336 of 2022, pending on the file of the 1st respondent police is hereby quashed in respect of the second petitioner/second accused alone. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order. In respect of the first petitioner/first accused, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

16.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1. The Inspector of Police,
Ganesh Nagar Police station,
Pudukkottai District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21256 of 2022

G.ILANGO VAN,J.

TM

Order made in
Crl.O.P.(MD)No.21256 of 2022

Dated: 16.03.2023