



Crl.O.P.(MD)No.1359 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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1.M.Maria Suji

2.R.Ganesan

... Petitioners

Vs.

1.The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
(Crime No.223 of 2023)

2.S.John Joseph

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in Cr.No.223 of 2023 dated 04.07.2023 on the file of the first respondent police and quash the same.

For Petitioners : Mr.H.Elango

For R1 : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

For R2 : Mr.R.V.Sivaraman

ORDER

The petitioners are accused in Crime No.223 of 2023 on the file of the

<https://www.mhc.tn.gov.in/judicial> first respondent Police Station, which was registered for the offence under



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Section 379 IPC. They have filed this petition to quash the proceedings pending against them.

2.The case of the prosecution is that the petitioners herein have illegally transported red sand worth about Rs.500/- from the defacto complainant's land by using a tractor bearing Reg.No.TN25 E 8118. Based on the complaint of the defacto complainant, the case in Cr.No.223 of 2023 came to be registered.

3.The petitioners and the defacto complainant are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 29.02.2024 signed by the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.223 of 2023 to personally verify with the defacto complainant and to ascertain whether the compromise is a voluntary one, without any threat or coercion. The investigating officer, after due verification, has filed a report as under:

This is to certify that, as directed by this Court in



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CrI.O.P.(MD)No.1359 of 2024, I personally verified the defacto complainant in Cr.No.223 of 2023, for the offence under Section 379 IPC and ascertained that the compromise arrived between the accused and the defacto complainant/victims in the above case is voluntary, without any threat or coercion.

I further clarify that there are no other victims in this case, except the victims appeared before this Hon'ble Court today.

5.The parties are present. This Court has verified the parties with their Aadhaar cards and also verified the present status. The defacto complainant has expressed his willingness to solve the issue. Since the parties have reached settlement, the continuance of legal proceedings would serve no purpose. Moreover, the conflict is between the private individuals and it is not affecting the society at large.

6.In view of the above development and in the light of the guidelines issued by the Hon'ble Supreme Court in a case ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in **2017 9 SCC 641**, and after exercising due caution as advised by the Hon'ble Supreme Court in ***The State of Madhya Pradesh v. Dhruv Gurjar and Another*** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is



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inclined to quash the First Information Report in Crime No.434 of 2023 on the file of the first respondent Police.

8.In view of the same, by recording the compromise memo dated 29.02.2024 this criminal original petition is allowed and the case in crime No.223 of 2023 pending on the file of the first respondent is hereby quashed. The joint compromise memo dated 29.02.2024 shall form part and parcel of this order.

18.06.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To



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- 1.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.

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



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