



CrI.O.P.(MD) No.4711 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4711 of 2024

1.Amarnath @ Amarnath Prabhakar
2.Karthick @ Karthikeyan

...Petitioners/Accused Nos.1 & 2

Vs

1.State represented by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Cr.No.433 of 2021)

2.Manimaran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to FIR in Crime No.433 of 2021, U/s. 153 of IPC on the file of the 1st respondent police and quash the same.



Crl.O.P.(MD) No.4711 of 2024

For Petitioners : Mr.D.Balamurugapandi
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R2 : Mr.T.Venkatesan

ORDER

The petitioners are accused in Crime No.433 of 2021 on the file of the first respondent Police Station, which was registered for the offence under Section 153 IPC. They have filed this petition to quash the proceedings pending against them.

2.The case in Crime No.433 of 2021 was registered based on the complaint given by the second respondent on 05.07.2021 alleging that the petitioners have destroyed the painting made on their party leader's statue.

3.The petitioners and the defacto complainant are present before this Court and they have stated that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 12.04.2024



CrI.O.P.(MD) No.4711 of 2024

signed by the parties, is also filed before this Court.

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4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer namely Mr.R.Janose, Sub Inspector of Police, Eraniel Police Station in Crime No.433 of 2021 to personally verify with the defacto complainant and to ascertain whether the compromise is 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 CrI.O.P.(MD)No.4711 of 2024, I personally verified the defacto complainant in Cr.No.433 of 2021, for the offence under Sections 153 IPC and ascertained that the compromise arrived between the accused and the defacto complainant/victim 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



Crl.O.P.(MD) No.4711 of 2024

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. Therefore, this Court is inclined to entertain this application in order to avoid further conflict between the parties.

6.In view of the above development and following the guidelines issued by the Hon'ble Supreme Court reported in **2017 9 SCC 641- (Prabathbhai Aahir @ Parbathbhai Vs. State of Gujarath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh Vs.Dhruv Gurjar and Another reported in (2019) 2 MLJ Crl 10**, this Court, in exercise of its jurisdiction under Section 482 Cr.P.C., is inclined to quash the First Information Report in Crime No.433 of 2021 on the file of the first respondent Police.

7.Accordingly, this criminal original petition is allowed and the case in Crime No.433 of 2021 pending on the file of the first respondent is hereby quashed. The Joint Compromise Memo dated 12.04.2024 shall form part and parcel of this order.



Crl.O.P.(MD) No.4711 of 2024

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8.Considering the energy and time spent by the respondent police during the course of investigation, the petitioners and the de-facto complainant are directed to pay a sum of Rs.5,000/- (each) to the respondent police station.

12.04.2024

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

jbr

To

1. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.4711 of 2024

B.PUGALENDHI, J.

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CRL.O.P (MD) No.4711 of 2024

12.04.2024