



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

CrI.O.P(MD)No.10898 of 2023
and
CrI.M.P(MD)No.8689 of 2023

Murugan

... Petitioner

Vs

1. The Sub Inspector of Police,
Appanthirupathy Police Station,
Madurai District (Crime No.199 of 2018).

2. C.Ayyankalai

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.199 of 2018 dated 09.09.2018 on the file of the Sub Inspector of Police, Appanthirupathy Police Station, Madurai District and quash the same as against the petitioner.

For Petitioner	: Mr.Saravana Kumar S,
For R1	: Mr.A.Albert James Government Advocate (CrI.Side)
For R2	: Ms.K.Devika



WEB COPY

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.199 of 2018, pending on the file of first respondent.

2. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. Joint Memo of Compromise dated 26.09.2024 signed by both petitioner and the second respondent/De facto Complainant and their respective counsel has been filed before this Court. In order to identify the respective parties they have also produced the copies of the Aadhaar Card are made part of the record. The petitioner and the 2nd respondent were also present in person before this Court and they were identified by Mr.M.Antony Manuvel, Sub Inspector of Police, Appanthirupathy Police Station. In the Joint Memo of Compromise, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.199 of 2018, pending on the file of the first respondent. This Court also enquired both the parties and was



satisfied that the parties have come to an amicable settlement between themselves.

4. When the matter came up for hearing on 03.12.2024, this Court passed the following order:

"The petitioner and the second respondent were present before this Court. The second respondent, who was present in person stated that he does not know any of the accused persons and that the incident as alleged in the FIR did not take place. A compromise memo has already been filed before this Court.

2. The learned Government Advocate (Criminal Side) shall take instructions from the respondent Police as to whether there are any previous cases against Accused Nos. 1 to 3. Depending on the instructions, further orders will be passed in this Criminal Original Petition.

3. Registry is directed to post this case under the same caption on 10.12.2024. The petitioner and the second respondent need not be present before the Court on that day."

5. The learned Government Advocate (Crl. Side) on instructions submitted that there are no previous cases pending against the petitioner.

6. Under such circumstances, no useful purpose will be served in



WEB COPY

keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **(2017) 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)** 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C, quash the FIR in Crime No.199 of 2018, pending on the file of first respondent.

7.This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.199 of 2018, pending on the file of first respondent is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

10.12.2024

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



To

WEB COPY

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



WEB COPY



N.ANAND VENKATESH, J.

LR

Crl.O.P(MD)No.10898 of 2023

10.12.2024