

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 31.01.2014

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THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

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CrI.O.P(MD)No.21535 of 2013

1.V.Malarkannan

2.Muthamil Devi

: Petitioners/A1 & A2

vs.

1.The Superintendent of Police,
Madurai.2.State Represented by
The Inspector of Police,
Thiruparankundram,
All Women Police Station,
Madurai.

: R1 and R2/Complainants

3.Gurushiya

: 3rd respondent/
De-facto complainant

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the FIR in crime No.84 of 2013 on the file of 2nd respondent.

For Petitioners

: Mr.S.M.A.Jinnah

For R1 and R2

: Mr.A.P.Balasubramani
Government Advocate
(Criminal side)For 3rd respondent

: Mr.S.Mohamed Kasin

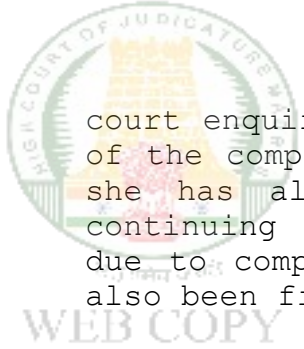
ORDER

The present petition is filed by the petitioners/A1 and A2 to quash the FIR in crime No.84 of 2013 on the file of the 2nd respondent police.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side) for the 1st and 2nd respondents as well as the learned counsel for the 3rd respondent.

3.The learned counsel appearing for both parties represented that the petitioners and the third respondent/de-facto complainant have amicably settled the issue between them and the de-facto complainant has agreed to give up the criminal proceedings against the petitioners/A1 and A2 and the de-facto complainant is no longer willing to pursue the criminal proceedings against the accused persons.

4. On 31.01.2014, when the matter came up for hearing, the learned counsel for the petitioners as well as the third respondent/de-facto complainant along with their respective counsel are present. When this



court enquired the third respondent/de-facto complainant about the factum of the compromise and terms of the compromise, she admitted the same and she has also categorically submitted that she is not interested in continuing the criminal prosecution against the petitioners/A1 and A2, due to compromise arrived at between them. A joint compromise memo has also been filed to that effect.

5.It is now well settled that the proceedings can be quashed in appropriate cases on the basis of the settlement arrived at between the parties. Here is the case wherein the de-facto complainant in her own interest and on her own free will thought fit to compromise the matter with the petitioners/A1 and A2. That being so, this court is of the considered view that the de-facto complainant is not likely to support the prosecution case at later point of time during trial in respect of petitioners/A1 and A2. In that event, it is not going to help anyone by keeping the case on file and it would be only a futile exercise and it would be sheer waste of the time of the court. Hence, in order to maintain the present state of affairs, which is according to the parties more beneficial to them, this court is of the considered view that FIR in crime No.84 of 2013 is liable to be quashed in respect of the petitioners/A1 and A2.

6.In the result, this petition is allowed by quashing the FIR in Crime No.84 of 2013 on the file of the 2nd respondent police against the petitioners/A1 and A2. The joint compromise memo shall form part of the record.

sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

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To,

- 1.The Superintendent of Police,
Madurai.
- 2.State Represented by
The Inspector of Police,
Thiruparankundram,
All Women Police Station,
Madurai.
- 3.The Government Advocate,
(Criminal side)
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P (MD) No.21535 of 2013
31.01.2014

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