



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.(MD)No.10625 of 2020

1.Thayalan

2.Muneeswaran

3.Ajith

4.Shanmuganathan

... Petitioners/Accused No.1 to 4

Vs.

The State represented by

1.The Inspector of Police,
Thiruppulani Police Station,
Ramanathapuram District.
(Crime No.227 of 2020)

.. 1st Respondent/Complainant

2.P.Malaisamy

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in Crime No.227 of 2020 on the file of the first respondent and quash the same.

For Petitioners : Mr.G.Tamilvendan

For R1 : Mr.R.Erottuchamy
Government Advocate (Crl. side)

For R2 : Mr.J.Vishnu

ORDER

The Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.227 of 2020, for the offences punishable under Sections 147, 294(b), 324, 506(ii), 188 of I.PC and Section 3 of Epidemic Act, 51 (B) of Disaster Management Act and 58(4) of Public Health Act, on the file of the first respondent police.

2.Though the case pertains to Crime No.227 of 2020, pending on the file of the first respondent police was registered for the offence punishable under Sections 147, 294(b), 324, 506(ii), 188 of I.PC and Section 3 of Epidemic Act, 51 (B) of Disaster Management Act and 58(4) of Public Health Act, the averments found in the First Information Report would clearly disclose the fact that during the time of occurrence, the petitioners herein had wordy altercation with the second respondent and also insulted him by using abusive words. Further, by using the wooden log he attacked the de facto complainant and ultimately, the petitioner made a life threat to the second respondent. The offence alleged to be committed by the



petitioners are against the human body alone. Therefore, considering the said circumstances, this petition is taken up for further proceedings.

3.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.

4.A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court through video conferencing and they were identified by Mr.Arjunagopal, Sub Inspector of Police, Thiruppullani Police Station, Ramanathapuram District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Furthermore, the offences involved are not compoundable in nature. Hence, 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 Gujrat)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.227 of 2020.

6.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.227 of 2020, on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order. If anything is recovered during the time of investigation, the same has to be returned to the owner of the said property.

Sd/-

Assistant Registrar

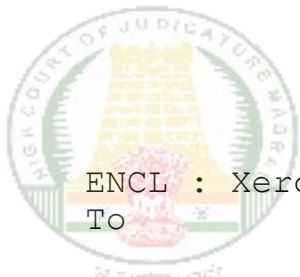
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/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



ENCL : Xerox copy of Joint Compromise Memo.
To

1.The Inspector of Police,
Thiruppulani Police Station,
Ramanathapuram District.

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

+1 CC to M/s.C. TAMILVENDHAN, Advocate (SR-18848[F] dated
01/10/2020)

CrI.O.P.[MD]No.10625 of 2020
01.10.2020

SCR(CO)
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