



WEB COPY



CrI.O.P.No.23309 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.23309 of 2022

M. Sunil

...Petitioner

Vs

1. The State Rep by
The Sub Inspector of Police,
Korattur Police Station,
Ambattur.
(Cr.No.274 of 2018)

2. P. Babu

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to call for the entire records pursuant to the case in C.C.No.140 of
2018 on the file of Judicial Magistrate, Ambattur and quash the final report
based upon compromise memo filed.

For Petitioner : Mr.N.Thameen Ansari

For Respondents : Mr.E.Raj Thilak for R1
Additional Public Prosecutor



Crl.O.P.No.23309 of 2022

WEB COPY

ORDER

This Criminal Original Petition is filed to call for the records in C.C.No.140 of 2018 on the file of Judicial Magistrate, Ambattur and quash the final report based upon compromise memo filed.

2. The learned counsel for the petitioner has submitted that previously co-accused A1 to A3 preferred a quash petition in Crl.OP.No.31532 of 2019 and the same was allowed on 03.12.2019. Now, the 2nd respondent/defacto complainant and the accused had settled the matter out of court, being personal in nature since he does not want to continue the criminal proceeding against the accused.

3.The case is in stage of trial. 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 has been signed by the petitioner and the second respondent and

WEB COPY

also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by the 1st respondent as well as by the learned Counsel appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 147, 148, 294(b), 324, 506(ii) of IPC which was subsequently, altered for offences under Sections 294(b), 324 and 506(ii) r/w. 34 of IPC.

6.The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Panjab and another* reported in (2012)10 SCC 303 and *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*) reported in (2017)9 SCC 641 were taken into consideration.



CrI.O.P.No.23309 of 2022

WEB COPY

7. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.140 of 2018 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.140 of 2018 on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

14.10.2022

Index:yes/no
Internet:yes/no
gv



WEB COPY



CrI.O.P.No.23309 of 2022

To

1. The Sub Inspector of Police,
Korattur Police Station,
Ambattur.
(Cr.No.274 of 2018)

2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23309 of 2022

V.SIVAGNANAM.,J
gv

Crl.O.P.No.23309 of 2022

14.10.2022