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CRL.O.P.No.24989 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P. No.24989 of 2022

1.Gurunathan
2.Sudhakar
3.Dhanavel
4.Prabhakaran
5.Anbalagan

...
/vs/

Petitioners

1.The State rep.by
The Inspector of Police,
Thiyagathurugam Police Station,
Villupuram (Crime No.97/2014).

2.Pamban

...

Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records in F.I.R. in Cr.No.97 of 2014 pending on the file of the 1st respondent and quash the same.

For Petitioners : Mr.M.Kalaiyaran

For Respondent : Mr.E.Raj Thilak
No.1 Additional Public Prosecutor

For Respondent : Mr.S.Arunkumar
No.2



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ORDER

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2.The case of the prosecution is that on 10.05.2014 at about 5.30p.m. the defacto complainant questioned the petitioners about the quarrel between the petitioners and his brother-in-law. For that, the petitioners attacked the defacto complainant and he was sustained injury. Thereafter, the petitioners had issued life threat. Hence, he lodged a complaint and on the complaint made by the 2nd respondent/defacto complainant, the 1st respondent police registered a case in Crime No.97 of 2014 on 12.05.2014 for offences punishable under Sections 147, 148, 294(b), 324, & 506(ii) IPC.

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.



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4.A Joint Memo of Compromise dated 17.10.2022 has been filed before this Court which has been signed by both the counsel appearing for the petitioners and the second respondent/defacto complainant and the affidavit filed by the second respondent/defacto complainant, which has been signed by the defacto complainant and in the affidavit, it is stated that the entire dispute has been settled and compromised between us. Further, it is stated that the defacto complainant does not intend to proceed with his complaint or criminal case against the petitioners for considering the future and welfare of him. Hence, he prayed that the FIR is liable to be quashed. The petitioners and the second respondent were also present in person before this Court along with their counsel. In order to identify themselves as respective parties, they have also produced the copy of the Aadhaar card and it is made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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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 to power to quash the crime No.97 of 2014 for the offences punishable under Sections 147, 148, 294(b), 324 & 506(ii) 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.

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 Crime No.97 of 2014 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.97 of 2014 on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo dated 17.10.2022 shall form part and parcel of this order.

Index: Yes/No
Internet: Yes/No
sms

26.07.2021

To

1. The State rep.by
The Inspector of Police,
Thiyagathurugam Police Station,
Villupuram (Crime No.97/2014).
2. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM,J.

sms

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