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CrI.O.P.No.27213 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.27213 of 2022

Rajesh

... Petitioner

Vs.

1.State rep.by

The Inspector of Police,
Annur Police Station,
Coimbatore District.

2.E. Kumar

... Respondents

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and to quash the First Information Report in Crime No.495 of 2015 on the file of Annur Police Station, Coimbatore District.

For Petitioner ... Mr. M. Saravanakumar

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



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ORDER

The Criminal Original Petition has been filed to call for the records in Crime No.495 of 2015 pending on the file of first respondent police and quash the same.

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

3. The defacto complainant and the petitioner / A4 compromised the matter between themselves and the defacto complainant has no objection to quash the FIR against the petitioner / A4. The dispute between the parties is with regard to collecting donations. Being this type of nature, since the victim compromised the matter with the petitioner / A4, the criminal proceedings in Crime No.495 of 2015 need not be continued further and it is liable to be quashed.



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4. A Joint Memo of Compromise has been filed before this Court by the petitioner and the defacto complainant which has been signed by the petitioner / A4 and the second respondent / defacto complainant and also by their respective counsel. The petitioner / A4 and the second respondent are also present in-person before this Court and they are identified by Mr.V.Sellapandian, PC-1315, Annur Police Station, Coimbatore District. In order to identify themselves, they have also produced the copies 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.

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 FIR in Crime No.495 of 2015 for the offences under Sections 147, 148, 294(b), 342, 323, 324 and 506(ii) of IPC.



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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.495 of 2015 against A4 pending on the file of first respondent police, even though, the offences involved are non compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed in respect of the petitioner / A4 alone and as a sequel, the proceedings in Crime No.495 of 2015, on the file of the first respondent police is quashed as against the petitioner / A4 alone and the terms of joint compromise memo shall form part and parcel of this order.

14.11.2022

AT

Index : Yes/No



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Crl.O.P.No.27213 of 2022

V.SIVAGNANAM ,J.

AT

To

1.The Special Court for the trial of cases
under Domestic Violence Act, Coimbatore.

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14.11.2022