



Crl.O.P.No.27144 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.27144 of 2022

1.Marimuthu
2.Siva
3.Dheena @ Dheenadayalan
4.Saravanan ... Petitioners

Vs.

1.State rep.by
The Sub Inspector of Police,
Magudanchavadi Police Station,
Salem District.
(Crime No.190 of 2022)
2.Suthakar ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to pending investigation in Crime No.190 of 2022 on the file of the 1st respondent and quash the same.



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For Petitioners : Mr. R. Sasikumar

For Respondents : Mr. E. Raj Thilak, for R1
Additional Public Prosecutor
Ms. V. Kayalvizhi, for R2

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.190 of 2022 pending on the file of first respondent police and quash the same.

2. Heard Mr.R.Sasikumar, learned counsel for the petitioners and Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for the first respondent and Ms.V.Kayalvizhi, learned counsel for the second respondent.

3. A Joint Memo of Compromise has been filed before this Court which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners 1 to 3 and the second respondent are present before this Court and they are identified by



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Mr.C.Alexander, Special Sub Inspector, Magudanchavadi Police Station, Salem District. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and it is made part of the record.

4. When the matter is taken up today, the learned counsel for the petitioners submitted that the petitioners and the defacto complainant have compromised the matter out of Court between themselves.

5. The defacto complainant and the petitioners / accused 1 to 3 are present before this Court. The defacto complainant submitted that the petitioners and himself are friends and hence, they want to restore their relationship by forgetting the bitter incident. The defacto complainant has further stated that he had affixed the signature in terms of compromise without any coercion or threat.



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6. Since the petitioners and the defacto complainant are living in nearby places and they are friends, they have settled the dispute. However, learned Additional Public Prosecutor submitted that so far as A1 is concerned, he has 6 previous cases and he is a habitual offender. The 1st petitioner who appeared in-person has stated that all those cases are foisted against him and he is having his own power loom, at his house and he is engaged in his occupation to live a decent life. The defacto complainant also did not have any special animosity with the first accused. The 4th accused is not present. However, the defacto complainant submitted that he has no grievance against the 4th accused.

7. The case has been registered against the petitioners for the offences under Sections 294(b), 323, 324 and 506(ii) IPC. Out of the above charges, the offences under Sections 294(b), 324 and 506(ii) IPC are non compoundable in nature.



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8. Since the defacto complainant and the accused are living in adjacent places and they want to bury their hatchet, I feel it is appropriate to allow them to live in peace. Considering the age of the petitioners, defacto complainant and their future, I prefer to quash the proceedings as compoundable, even though there are non compoundable charges.

9. 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 Gujrath)**, this Court is inclined to exercise its power under Section 482 Cr.P.C., to quash the proceedings.

11. In the result, this Criminal Original Petition is allowed and as a sequel, the FIR in Crime No.190 of 2022 on the file of the 1st respondent, is quashed. The Joint Compromise Memo shall form part of this order.

04.11.2022

AT
Index:yes/No
Speaking Order / Non speaking order

5/7



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To

1.The Sub Inspector of Police,
Magudanchavadi Police Station,
Salem District.

2.The Public Prosecutor
High Court of Madras.



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R.N.MANJULA,J.

AT

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