



CrI.O.P.(MD) No.4938 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.4938 of 2020

M.Tamilselvi

Represented by Registered

P.O.A. Er.V.Kanakarajan

... Petitioner/ Accused No.1

Vs

1. The State Represented by

The Inspector of Police,

Nagamalai Pudukottai Police Station,

Madurai District,

Madurai – 625 019.

(in Crime No.88 of 2019)

... 1st Respondent/ Complainant

2. Abdul Raheem

... 2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the proceedings initiated on the basis of First Information Report case in Crime No.88 of 2019 against this petitioner for the offences under Sections 294(b), 323 and 506(i) I.P.C. lodged at Nagamalai Pudukkottai Police Station, Madurai – 625019.



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For Petitioner : M/s.Ajmal Associates
for Mr.H.Mohamed Imran

For R1 : Mr.A.Albert James
Government Advocate (Crl.Side)

For R2 : Mr.S.A.Ajmal Khan

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.88 of 2019, on the file of the first respondent police.

2.The contention of the petitioner is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in Crime No.88 of 2019 for the offences punishable under Sections 294(b), 323 and 506(i) I.P.C., against the petitioner.

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. The learned counsel for the petitioner submitted that the defacto complainant and the accused person settled the matter out of the Court and they have filed a Joint Memo of Compromise before this Court which have been signed by the petitioner and the second respondent and 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 learned Government Advocate and Mr.P.Arul Pandi, SSI of Police, Nagamalai Pudukkottai Police Station, Madurai District. 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 to power to quash the complaint for the offence under Sections 294(b), 323 and 506(i) I.P.C.

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



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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.88 of 2019 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 Crime No.88 of 2019 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.

25.07.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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