



CrI.O.P.(MD) No.8119 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.8119 of 2022

and

CRL.M.P.(MD).No.5472 of 2022

1.Lakshmi

2.Selvakumar

3.P.Subbaian

... Petitioners

Vs

1.The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.105 of 2021)

2.K.Akkniraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to call for the records of the FIR in Crime No.105 of 2021, dated
04.04.2021 on the file of the first respondent and quash the same.



Crl.O.P.(MD) No.8119 of 2022

For Petitioners : Mr.R.Karthick Rajan

For 1st Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

For 2nd Respondent : No appearance

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.105 of 2021, dated 04.04.2021 on the file of the first respondent.

2.The case of the prosecution is that the defacto complainant opened a new fertilizer shop in the name and style of “Hasini Urakkadai” and the opening ceremony was scheduled on 28.03.2021. At the instigation of the first petitioner, the petitioners said to have abused the defacto complainant by using filthy language and attacked him with lock. Hence, the present complaint.

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.



CrI.O.P.(MD) No.8119 of 2022

WEB COPY

4.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.D.Siva Kumar, SI of Police, Peraiyur Police Station, as well as by the learned Counsels 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 to power to quash the complaint for the offence under Sections 109, 294(b), 324 and 506(ii) 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.(MD) No.8119 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 Crime No.105 of 2021 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.105 of 2021 on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected criminal miscellaneous petition is closed.

11.07.2022

Internet: Yes./No
Index: Yes/no
vsg



Crl.O.P.(MD) No.8119 of 2022

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To:

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



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Crl.O.P.(MD) No.8119 of 2022

V.SIVAGNANAM, J.

vsg

ORDER IN
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