



Crl.O.P.(MD) No.14703 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14703 of 2022

Irudhayaraj

... Petitioner

Vs.

**1. The Inspector of Police
Vijayanarayanam Police Station
Tirunelveli District**

2.Essakidoss

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records relating to the FIR in Crime No.225 of
2020 on the file of the first respondent and quash the same.

For Petitioner	: Mr.C.Susikumar
For Respondents	: Mr.A.Albert James
No.1	Government Advocate(Crl.Side)
No.2	: MrP.Maheswaran



Crl.O.P.(MD) No.14703 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.225 of 2020 on the file of the first respondent police

2.The case of the prosecution is that due to civil dispute, on 12.07.2020 petitioner herein said to have illegally taken sand in three gunny bags, two silver articles and one aluminium plate in a TATA magic vehicle bearing Reg.No.TN 72 AM 0102 and when the second respondent questioned the same, the petitioner herein slapped him and threatened with dire consequences, hence the case came to be registered.

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.

4.A Joint Memo of Compromise has been filed 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



Crl.O.P.(MD) No.14703 of 2022

respondent were also present in person before this Court and they were identified by Mr.S.Balakrishnan, HC 861, Vijayanarayanam 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 parties had compromised the matter out of Court. Where the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b),323,506(ii) and 379 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.

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



Crl.O.P.(MD) No.14703 of 2022

the proceedings in Crime No.225 of 2020 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.225 of 2020 on the file of the first respondent police respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

22.08.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
aav

To

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

4/5



WEB COPY



Crl.O.P.(MD) No.14703 of 2022

V.SIVAGNANAM, J.

aav

Crl.O.P.(MD) No.14703 of 2022

22.08.2022