



CrI.O.P.(MD) No.7497 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.7497 of 2022

1. Kannan
2. Ajith
3. Padmanathan

... Petitioners/ Accused No.1 to 3
Vs

- 1.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
Crime No. 122 of 2018

.... 1st Respondent/Complainant

2. T.Thanga Arasu

... 2nd Respondent/ De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with the Crime No.122 of 2018 on the file of the first respondent police and quash the same in respect of the petitioners.

For Petitioners : Mr.R.M.Suresh

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

For R2 : Mr.G.Kalidoss



Crl.O.P.(MD) No.7497 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the FIR in Crime No.122 of 2018, on the file of the first respondent police.

2.The case of the prosecution is that on 14.05.2018 at about 4.00 p.m, when the second respondent/defacto complainant made a phone to the first petitioner, but, the first petitioner's wife picked up the phone and talked with the second respondent. In this circumstances, the first petitioner used filthy language and attacked the second respondent with a knife and threatened him with dire consequences, thereby, sustained injury and he was admitted in a hospital. Hence, the complaint has been preferred against the accused along with other persons. The first petitioner herein was an accused and he was charged for the offences punishable under Sections 294(b), 324, and 506(ii) of IPC in crime No.122 of 2018. Hence the present petition has been filed.

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.7497 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 the learned Government Advocate and Mr.R.John Rajan, SSI of Police, Kanyakumari Police Station. 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), 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.7497 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.122 of 2018 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.122 of 2018 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.

14.06.2022

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

(1/2)



Crl.O.P.(MD) No.7497 of 2022

WEB COPY

To

- 1.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.7497 of 2022

V.SIVAGNANAM, J.

ebsi

ORDER IN
CRL.O.P (MD) No.7497 of 2022

14.06.2022

1/2