



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.7467 of 2022

and CRL.M.P. (MD) No.5086 of 2022

WEB COPY

Ersath Ahamed @ Irshat Ahamed ... Petitioner/Accused No.2

Vs

1. State represented by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
(Crime No.311 of 2020) ... 1st Respondent/Complainant

2. M.J.Daniel ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the proceedings in Crime No.311 of 2020 on the file of the first respondent police and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.J.Senthil Kumaraiah,
For Respondents : Mr.A.Albert James,
Government Advocate (Crl. Side) for R1
Mr.S.Pandiaraj for R2

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.311 of 2020, dated 05.06.2020, on the file of the first respondent.

2.The case of the prosecution is that the petitioner and other accused damaged the CCTV cameras, which was fixed at the Government Higher Secondary School. Hence, the defacto complainant lodged a complaint and for the same, an FIR had been registered in Crime No.311 of 2020, for the offences under Sections 447 IPC and 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992.

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 respondent were also present in person before this Court and they were identified by Mr.P.Ramamoorthy, SSI of Police, Uchipuli Police



Station. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.The learned Government Advocate (Criminal Side) submitted that the damaged cameras were replaced by new cameras.

6.The defacto complainant is the Head Master of the said school and the petitioner is being a student studying in college. Considering the future of the petitioner/accused, the defacto complainant wants to settle the matter out of Court and he does not want to continue the criminal proceedings against the petitioner. Under these circumstances, continuing the criminal proceedings against the petitioner would be of no use.

7.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 447 IPC and 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992.

8.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.

9.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.311 of 2020 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

10.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.311 of 2020 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. Consequently, connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

CSM

ENCL:Xerox Copy of Joint Compromise Memo

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

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

+1 CC to M/s.J. SENTHIL KUMARAIAH, Advocate (SR-27826[F]
dated 23/06/2022)

ORDER IN

CRL.O.P (MD) No.7467 of 2022
22.06.2022

MA (CO)

GC (30.06.2022) 3P 4C