



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.8443 of 2022

WEB COPY

1. Navaneethakannan,
2. G.Perumalsamy @ Perumal,
3. P.Parvathy, ...Petitioners/Accused Nos. 1 to 3
Vs

1. The State represented by
The Inspector of Police,
Vembakkottai Police Station
in Crime Nos.132/22, 32/2022. ...1st Respondent/Complainant

2. S.Yogalakshmi, ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime.No.132/2021 dated 20.04.2021, on the file of the Vembakkottai Police Station, Virudhunagar District and quash the same.

For Petitioners : M/s. Mahalakshmi S,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.S.Rajesh

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime.No.132/2021 dated 20.04.2021, on the file of the Vembakkottai Police Station, Virudhunagar District

2.The case of the prosecution is that due to previous enmity, the petitioners quarreled with the defacto complainant, attacked and threatened her with dire consequences. Hence the 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.

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.K.Gopalakrishnan, SSI of Police,



Vembakkottai Police Station as well as by the learned Counsels appearing on both the sides. 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) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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 the proceedings in Crime No.132 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.132 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.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.

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

Encl: Original Joint Compromise Memo

ORDER IN
CRL.O.P (MD) No.8443 of 2022
24.06.2022

PKP/05.07.2022/2P/3C