



Crl.O.P.(MD) No.10100 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10100 of 2022

1. Satham Usain
2. Rasik Ali @ Rasiksha
3. Mohamed Yasick @ Yasith
4. Kurshif Rahim @ Kursith
5. Ahamed Ibrahim @ Ahemmd
6. Dineshkumar @ Dinesh
7. Abubakersitiq @ Abubakar

... Petitioners/ Accused

Vs

- 1.The State of Tamil Nadu represented by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.227 of 2022)

... 1st Respondent/Complainant

2. Mohamed Musthak

... 2nd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the FIR in Crime No.227 of 2022, dated 24.03.2022 on the file of the respondent police and quash the same as illegal.



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For Petitioners : Mr.B.Mahendrarajan
For R1 : Mr.A.Albert James
Government Advocate (Crl Side)
For R2 : Mr.S.Vikram

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.227 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that, the defacto complainant is working as an Engineer in Velumanickam Contractor, Ramanathapuram. There was a previous motive between the defacto complainant and the accused No.1. Due to that, on 24.03.2022 at about 6 p.m, when the defacto complainant was waiting for his friend in Kaloogoorani Bus Stand, Rameshwaram, the petitioners were came to spot and abducted the defacto complainant to nearby garden and assaulted him on his all over body and threatened him with filthy language. Hence, the defacto complainant lodged a complaint before the respondent police and the same was registered in Crime No. 227 of 2022 for the offences under Sections 147, 294(b), 324, 365 and 506(ii) of IPC.



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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. The learned counsel for the petitioners, the learned Government Advocate and the learned counsel for the second respondent submitted that the petitioners and the second respondent are relatives and they have compromised the matter and settled the dispute out of the Court and to that effect they have been filed a Joint Memo of Compromise 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 (Crl.Side) and Mr.V.Nagarajan, SSI, Kenikarai Police Station, Ramanathapuram District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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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 147, 294(b), 324, 365 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.

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.227 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.227 of 2022 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.

27.06.2022

Internet: Yes./No

Index: Yes/no

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To

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



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V.SIVAGNANAM, J.

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