



CRL.O.P (MD) No.10132 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10132 of 2022

1.Lakshmanan
2.Sakthi @ Sakthisvaran ... Petitioners/Accused Nos.1 & 2

Vs.

1.The State rep. by
The Inspector of Police,
Thazhamuthunagar Police Station.
Thoothukudi District.
(Cr.No.249 of 2020) ...1st Respondent/Complainant

2.Santhiyagu ... 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 First Information Report in Crime No.249 of 2020 on the file of the first respondent and quash the same.

For Petitioners : Mr.R.Balakrishnan
For R1 : Mr.A.Albert James
Government Advocate (Crl.Side)
For R2 : Mr.R.Narmathan



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.249 of 2020 , on the file of the first respondent police.

2.The case of the prosecution is that the first petitioner is a tenant and the 2nd respondent/defacto Complainant is a land lord. When the defacto complainant requested the first petitioner to vacate the house, there was a misunderstanding between the first petitioner and the second respondent. Due to which, on 24.05.2020 at 9.00 p.m. a wordy quarrel arose between the first petitioner and the defacto complainant. Hence, the petitioners abused the defacto complainant in filthy language and also attacked him with iron pipe and caused injuries. 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



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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.A.Maria Irudayam, SI of Police, Thazhamuthunagar Police Station, Thoothukudi District. 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 civil 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 448, 294(b), 324, 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



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proceedings in Crime No.249 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.249 of 2020 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.

21.06.2022

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

To

1. The Inspector of Police,
Thazhamuthunagar Police Station.
Thoothukudi District.
(Cr.No.249 of 2020)
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

ORDER IN
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