



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10096 of 2022

WEB COPY

1.P.Maharajan

2.N.Rengaraj @ Rengasamy

... Petitioners/A1&A2

Vs

1.The State represented by
The Inspector of Police,
Sipcot Police Station,
Thoothukudi

2.Manikandan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with Crime No.28 of 2022, dated 24.01.2022, on the file of the first respondent and quash the same in respect of the petitioners.

For Petitioners : Mr.P.Pandiarajan

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : Mr.A.G.Ramesh Kumar

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.28 of 2022, dated 24.01.2022, on the file of the first respondent.

2.The case of the prosecution is that the The first petitioner had purchased a car from Asir Automobile Private Limited. After first service, there was an engine problem in the said car. Hence, the first petitioner approached the second respondent, who is a service manager in the said private firm. But, the second respondent refused to rectify the engine under claim warranty. Therefore, there was a wordy quarrel between the petitioners and the second respondent and they attacked the second respondent. Thereafter, the first petitioner lodged a complaint against the second respondent.



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.S.Sivasankaran, SSI of Police, Sipcot Police Station, Thoothukudi. 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, 355, 506(1) 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.28 of 2022 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.28 of 2022 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 (C.O.)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Encl : Here under Joint Compromise Memo USR.5571/2012.



To

1.The Inspector of Police,
Sipcot Police Station,
Thoothukudi

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

+1 CC to M/s.P. PANDIARAJAN, Advocate (SR-25758[F] dated
15/06/2022)

ORDER IN
CRL.O.P (MD) No.10096 of 2022
13.06.2022

USK/27.06.2022/3P/4C