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Crl.O.P.(MD) Nos.10232 and 11938 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) Nos.10232 and 11938 of 2022

and

Crl.M.P(MD)Nos.6406 and 7545 of 2022

Crl.O.P(MD)No.10232 of 2022

Nagarjun @ Nagaarjun,

: Petitioner

Vs

1.The State represented by
The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.
Crime No.264 of 2019.

2. Bakkiyalakshmi,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with the impugned complaint in Cr.No.264 of 2019 dated 03.06.2019 pending on the file of the respondent police and quash the same in so far as the petitioner is concerned.



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CrI.O.P.(MD)No.11938 of 2022

1. Gopal,
2. Muthaiah,
3. Mahendran,

: Petitioners

Vs

1.The State represented by
The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.
Crime No.264 of 2019.

2. Bakkiyalakshmi,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with the impugned complaint in Cr.No.264 of 2019 dated 03.06.2019 pending on the file of the respondent police and quash the same in so far as the petitioners are concerned.

For Petitioners : M/s.Sarvagan Prabhu S,
(For both cases)

For R1 : Mr.M.Sakthi Kumar,
(For both cases) Government Advocate (CrI.Side)

For R2 : Mr. P.Jayasankar
(For both cases)



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COMMON ORDER

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These Criminal Original Petitions have been filed to quash the FIR in Crime No.264 of 2019, on the file of the respondent police.

2.The case of the prosecution is that on 03.06.2019, the defacto complainant and her daughter went for natural call. At that time, the first accused person abused the second respondent with filthy language. After that, villagers came to the place of occurrence and warned the first accused person. But, all the accused persons attacked them and also threatened the second respondent 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.Joint Memos of Compromise have 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



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were also present in person before this Court and they were identified by Mr.S.Selvaraj, SSI of Police, Vadamadurai Police Station. 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 147, 294(b), 323, 324, 427, 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman 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.264 of 2019 pending before the first respondent



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police, even though, the offences involved are not compoundable in nature.

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8. Accordingly, these Criminal Original Petitions are allowed and as a sequel, the proceedings in Crime No.264 of 2019 on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memos shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are also closed.

01.07.2022

Internet: Yes./No
Index: Yes/no
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To
1. The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.

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



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V.SIVAGNANAM, J.

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ORDER IN
CRL.O.P (MD) Nos.10232 and 11938 of 2022

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