



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10332 of 2022

1.Gowthaman
2.Muthiah
3.Packiaraj
4.Selvaraj
5.Singaraja

... Petitioners/Accused Nos.1 to 5

Vs

1.The State rep. by
The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
(Cr.No.104 of 2022)

...1st Respondent/Complainant

2. K.Nagaraj

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the proceedings relating to Cr.No.104 of 2022 pending on the file of the first respondent police.

For Petitioners : Mr.S.Muthukumar

For R1 : Mr.M.Sakthikumar

Government Advocate (Crl.side)

For R2 : Mr.M.Kubendran

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.104 of 2022 on the file of the first respondent police.

2.The case of the prosecution is that the defacto complainant hails from Perumalkovilpatti Village made a criminal complaint on 13.05.2022 alleging that the petitioners had gone to Perumalkovilpatti on 13.05.2022 for erecting bore well. The defacto complainant and other local people made objection to erect bore well. The attitude of the defacto complainant irked the petitioners. In order to take vengeance against the people of Perumalkovilpatti, all the petitioners switched off the electricity transformer, where the defacto complainant village get electricity supply and blocked the road running between Senmarpaatti and Perumalkovilpatti by laying the boulders and throne shrub across the road. Immediately the defacto complainant informed the so called occurrence to the first respondent police. Suddenly, the first respondent rushed to the occurrence place and took steps to resume the electricity supply and removed the boulders and throne shrub



laid on the road. 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 compromised the dispute amicably among themselves.

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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 Ms.Thanganila, SSI of Police, Viruveedu Police Station. This Court also enquired both the parties and 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 143, 341 and 426 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.104 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.104 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 (AE)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Vsd

Enclosed herewith Copy of the Joint Compromise Memo



To

1.The Inspector of Police,
Viruveedu Police Station,
Dindigul District.

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

CRL.O.P (MD) No.10332 of 2022
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RD(24.06.2022) 3P 3C