



Crl.O.P.(MD) No.10354 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10354 of 2022

and

CrI.M.P(MD) No. 6456 of 2022

Pabik @ Baffik

... Petitioner/ Sole Accused

Vs

1.The State through

The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.

(Crime No.131 of 2022)

... 1st Respondent/Complainant

2.Rositta

... 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.131 of 2022 on the file of the Inspector of Police, Pudukkottai Police Station, Thoothukudi District, dated 25.04.2022 and quash the same.

For Petitioner	: Mr.B.N.Raja Mohamed
For R1	: Mr.A.Albert James
	Government Advocate (Crl Side)
For R2	: Mr.A.M.Ganeshan



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.131 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that on 24.04.2022 at about 3.00 p.m the petitioner has trespassed into the defacto complainant's house and damaged the materials worth about Rs.48,200/- in aggregate. It is further alleged that the accused has attacked the defacto complainant using his cycle chain on her left hand and abused her in filthy language. Hence, the defacto complainant lodged a complaint before the respondent police and the same was registered in Crime No.131 of 2022 for the offences under Sections 448, 294(b), 324, 427, 506(ii) of IPC and under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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.



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4. The learned counsel for the petitioners, the learned Government Advocate and the learned counsel for the second respondent submitted that the petitioner 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 filed a Joint Memo of Compromise before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner 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.D.Sekar, SSI, Pudukkottai 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 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 448, 294(b), 324, 427, 506(ii) of IPC and under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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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.131 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.131 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. Consequently, the connected Miscellaneous Petition is closed.

27.06.2022

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

- 1.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi 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
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