



Crl.O.P.(MD) No.10932 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10932 of 2022

Alagu Sundaram

... Petitioner/Accused No.1

Vs

1.The State,

Represented by,
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.167 of 2022).

...1st respondent/ Complainant

2.Sivakumar

... 2nd Respondent/ Defacto-Complainant

3.Selvakumar

... 3rd Respondent/ Defacto-Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the FIR in Crime No.167 of 2022 on the file of the first respondent Police and quash the accused 1 same.

For Petitioner : Mr.D.Senthil

For R-1 : Mr.A.Albert James,
Government Advocate (Criminal Side).

For R-2 and R-3 : Mr.V.Selvakumar



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.167 of 2022 on the file of the first respondent Police.

2. The case of the prosecution is that due to previous enmity, the third respondent was attacked by the petitioner accused. After completion of investigation, charge-sheet has been laid and it has been taken cognizance in Crime No.167 of 2022 on the file of the first respondent Police, Batlagundu Police Station, Dindigul District and it is pending for trial.

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 petitioner and the private respondents and also by their respective counsel. The petitioner and the private respondents were also present in person before this Court and they were identified by Mr.P.Chellamuthu, Special Sub Inspector of Police, Batlagundu Police



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Station, Dindigul District as well as by the learned Counsels appearing for both the parties. 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 the power to quash the complaint for the offence under Sections 294(b), 307 I.P.C.

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.167 of 2022 on the file of the first respondent Police., even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.167 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.

13.07.2022

Internet: Yes./No

Index: Yes/no

Nsr

To

1. The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

Nsr

ORDER IN
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