



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10462 of 2022

1.Sivasubramanian
2.Rajapandi
3.Gnanasoundari
4.Muneeswaran
5.Jothi
6.Kalaiselvi

... Petitioners/Accused Nos.1 to 6

Vs

1.State rep. by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(Cr.No.101 of 2019)

...1st Respondent/Complainant

2.Ramar

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.101 of 2019 on the file of the first respondent and quash the same.

For Petitioners : Mr.V.Ramalingam

For Respondents : Mr.E.Antony Sahaya Prabahar

Additional Public Prosecutor for R1

Mr.S.Muniyandi for R2

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.101 of 2019, on the file of the first respondent police.

2.The case of the prosecution is that the 2nd and 3rd petitioners' father namely Sakkarayutham sold the property to an extent about 1 ½ acre and thereby, he repaid the loan received by the defacto complainant. Therefore, there arose a dispute between the family members. In the meantime, the petitioners conspired together and attacked the defacto complainant by using their hands and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the dispute arose between the petitioners and the defacto complainant with regard to proposed sale of family properties and now it is compromised.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that in this case investigation has been



completed and final report has also been filed and the same was taken on file in C.C.No.72 of 2021 before the learned Judicial Magistrate, Kamuthi.

5.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

6.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.P.Vijayaraman, SSI of Police, Peraiyur Police Station, Ramnad District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

7.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, 148, 323, 324, 294(b) and 506(ii) IPC.

8.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.

9.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.101 of 2019 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

10.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.101 of 2019 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/-

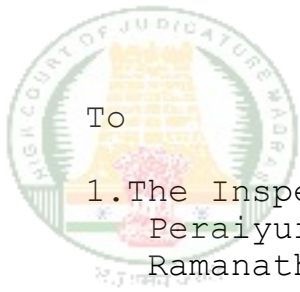
Assistant Registrar(CS-I)

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Sub Assistant Registrar(CS)

vsd



To

1.The Inspector of Police,
Peraliyur Police Station,
Ramanathapuram District.

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

CRL.O.P (MD) No.10462 of 2022
14.06.2022

NSN (CO)
KB (27.06.2022) 3P 3C