



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V. SIVAGNANAM**

Crl.O.P. (MD) No.10939 of 2022

Ponnuchamy

...Petitioner/Sole Accused
Vs.

1.State through the
Inspector of Police,
Kamuthi Police Station,
Ramanathapuram,
(Crime No.448 of 2020)

...1st Respondent/Complainant

2.Vignesh

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.448 of 2020 on the file of the 1st respondent Police and to quash the same against the petitioner.

For Petitioner	:	M/s. S. Shanmugavel Priya
For R1	:	Mr.M.Sakthi Kumar Government Advocate (Crl. Side)
For R2	:	M/s.P.Jessi Jeeva Priya

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.448 of 2020, on the file of the first respondent police.

2. On the complaint given by the 2nd respondent a case has been registered in Crime No. 448 of 2020 for the offences under Sections 294(b) and 323 IPC as against the petitioner herein and the petitioner herein has also given a complaint and the same has been registered in Crime No. 447 of 2020 for the similar offences. This is case of case and counter case.

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 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 Mr.G. Sankar, HC, Kamuthi 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 294(b), 323, 332, 506(i) 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 Gujrat** 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.448 of 2020 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.448 of 2020 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.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

ENCL:Xerox Copy of Joint Compromise Memo

To

1. Inspector of Police,
Kamuthi Police Station,
Ramanathapuram,

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

+1 CC to M/s.P. JESSI JEEVA PRIYA, Advocate (SR-26804[F]
dated 20/06/2022)

Crl.O.P.(MD) No.10939 of 2022

20.06.2022

NSN(CO)

GC(30.06.2022) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>