



CRL OP(MD). No.10665 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

CORAM:

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

CRL OP(MD). No.10665 of 2022

and

CRL MP(MD).No.6684 of 2022

K.Mahesh

... Petitioner

Vs

1.The State,
Inspector of Police,
Sawyerpuram Police Station,
Tuticorin District.

2.J.Prakash

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in Crime No.137 of 2010 on the file of the first respondent Police and quash the FIR in Crime No.137 of 2010 on the file of the first respondent Police against the petitioner.



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For Petitioner : Mr.K.A.Raamakrishnan
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Criminal Side).

For R-2 : Mr.S.Micheal Heldonkumar

ORDER

This Criminal Original Petition has been filed to quash the Crime No.137 of 2010 on the file of the first respondent Police.

2. The facts of the case are that during the College days of the petitioner, some petty quarrel had happened. In this incident, no one has injured. The occurrence took place on 07.09.2010. Hence the complaint has been preferred against the petitioner. The petitioner herein was an accused no.7 and he was charged for offences under Sections 147, 148, 341, 294(b), 506(ii) and 307 IPC in Crime No.137 of 2010. Thus, an FIR was registered to that effect but final report has not filed. Hence, the Criminal Original Petition has been filed.



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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.Rajendran, SSI, Sawyerpuram Police Station, Tuticorin District as well as the counsel 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 power to quash the complaint for the offence under Sections 147, 148, 341, 294(b), 506(ii) and 307 of of IPC.



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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.137 of 2010 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.137 of 2010 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, connected miscellaneous petition stands closed.

30.06.2022

Nsr



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- 1.The Inspector of Police,
Sawyerpuram Police Station,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V. SIVAGNANAM,J

Nsr

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