



CRL.O.P (MD) No.10845 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10845 of 2022

Ganesan

... Petitioner/Sole Accused

Vs.

1.The State rep. by its
The Inspector of Police,
Thirupparankundram Police Station,
Madurai City,
Madurai District.
(Cr.No.203 of 2022)

2.K.Kaleeswari

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.203 of 2022 on the file of the first respondent police and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.Balaji

For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.Side)

For R2 : Mr.T.Dinakaran



CRL.O.P (MD) No.10845 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the FIR in Crime No.203 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that the second respondent is residing at Thirupparankundram Om Sakthi Nagar. Her husband having a land at Om Sakthi Nagar 5th street, which situates near the petitioner's site. On 29.05.2022 at about 9.00 a.m. when the second respondent was engaging in building work, the petitioner herein had abused and warned her that she should not carry out building work in that place and also attacked her with wooden lock. Hence, the complaint.

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



CRL.O.P (MD) No.10845 of 2022

were also present in person before this Court and they were identified by Mr.T.Kamban, SSI of Police, Thirupparankundram Police Station, Madurai City, Madurai 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 civil 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, 506(i) of IPC and Section 4 of TNPHW Act.

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.203 of 2022 pending before the first respondent



CRL.O.P (MD) No.10845 of 2022

police, even though, the offences involved are not compoundable in nature.

WEB COPY

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.203 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.

21.06.2022

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

To

1. The Inspector of Police,
Thirupparankundram Police Station,
Madurai City,
Madurai District.
(Cr.No.203 of 2022)
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL.O.P (MD) No.10845 of 2022

V.SIVAGNANAM, J.

vsd

ORDER IN
CRL.O.P (MD) No.10845 of 2022

21.06.2022