



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10794 of 2022

WEB COPY

Mugesh

... Petitioner

Vs

1. The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Crime No.440 of 2021.

2. Muneeswaran

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the FIR in Crime No.440 of 2021, dated 28.10.2021 on the file of the first respondent police.

For Petitioner	: Mr.Mahendrarajan
For Respondents	: Mr.A.Albert James (R1)
	Government Advocate (Crl.Side)
	Mr.S.Balasubramanian (R2)

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.440 of 2021, on the file of the first respondent police.

2.The case of the prosecution is that on 27.10.2021, the petitioner and other accused persons came to defacto complainant's hotel and threatened him with knife and wooden tools. On seeing the police personnel, they ran away from the occurrence. 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. In this case, there are totally four accused. The petitioner is the first accused and he settled the matter with the victim. Since the defacto complainant and the petitioner settled their issue out of Court and the offence is being private nature, the defacto complainant did not want to continue the criminal proceedings against this first accused.



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 appeared in person before this Court and they were identified by Mr.P.Ramamoorthy, SSI of Police, Uchipuli Police Station and as well as the learned counsels appearing for both sides. 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 147, 148, 294(b), 506(ii) 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 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.440 of 2021 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.440 of 2021 on the file of the first respondent police, is quashed insofar as the petitioner/A1 alone and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Encl.: xerox copy of Joint Compromise memo.

PNM

To

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



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

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ORDER IN
CRL.O.P (MD) No.10794 of 2022
29.06.2022

VR(CO)
TR(06.07.2022) 3P 3C