



CRL.O.P (MD) No.11442 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11442 of 2022

Sivaramakrishnan

... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Ramanathapuram Sub Division,
Ramanathapuram District.

2.The State Rep. By
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.105 of 2022)

... 1st & 2nd Respondents/Complainants

3.Sanjai

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to F.I.R. in Crime No.105 of 2022 dated 10.02.2022 on the file of the second respondent police and quash the same as against the petitioners.

For Petitioner : Mr.A.Uthayakumar

For Respondents : Mr.A.Albert James
Government Advocate (Crl.Side) for R1
Mr.K.Ganeshkumar for R2



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ORDER

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This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.105 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that the third respondent had love affair with one Kaishna, who is the relative of the petitioner. When the same was questioned by the petitioner, there was a wordy quarrel between them, in which, the petitioner assaulted the defacto complainant with wooden log and caused injuries and also used the caste name of the defacto complainant. 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 third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by



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Mr.V.Nagarajan, SSI of Police, Kenikarai Police Station, Ramanathapuram.

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), 324, 506(ii) of IPC r/w Sections 3(1)(r) & 3(1)(s) of SC/ST (PoA) Act, 2015.

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.105 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.105 of 2022 on the file of the second respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

04.07.2022

Internet: Yes./No

Index: Yes/no

vsd

To

1. The Deputy Superintendent of Police,
Ramanathapuram Sub Division,
Ramanathapuram District.
2. The State Rep. By
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

ORDER IN
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