



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10837 of 2022

1. D.Pradeep

2. M.Rajesh

... Petitioners/ Accused 2&3

Vs

1. The State represented by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.162 of 2020)

... 1st Respondent/ Complainant

2. M.Jegan

... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records pertaining to the case in Crime No.162 of 2020 on the file of the Inspector of Police, Koodankulam Police Station, Tirunelveli District and quash the same in respect of the petitioners.

For Petitioners : Mr.A.Kesavan,
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side) for R1
Mr.N.Thinakaran for R2

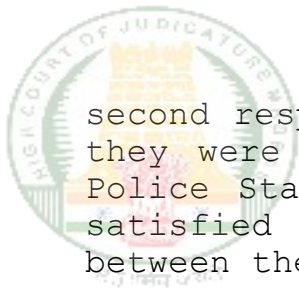
O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.162 of 2020, dated 28.05.2020, on the file of the first respondent.

2.The case of the prosecution is that on 27.05.2020 at about 03.30 p.m., when the second respondent returned from temple, the petitioners and the first accused attacked the second respondent and abused him. Hence, the defacto complainant lodged a complaint and for the same, an FIR had been registered in Crime No.162 of 2020, for the offences under Sections 294(b), 323, 324 and 427 of IPC.

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 petitioners and the second respondent and also by their respective counsel. The petitioners and the



second respondent were also present in person before this Court and they were identified by Mr.Paramasivan, Grade I 3150, Koodankulam Police Station. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

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5.The petitioners and the defacto complainant are same residence and the defacto complainant does not want to continue the criminal proceedings against the petitioners. Under these circumstances, continuing the criminal proceedings against the petitioners would be of no use.

6.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, 324 and 427 of IPC.

7.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.

8.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.162 of 2020 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.162 of 2020 on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.



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

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