



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2022

CORAM:

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

Crl.O.P. (MD) No.10918 of 2022 and
Crl.M.P (MD) .No.6883 of 2022

1.Prabhu @ Sahaya Prabhu
2.Stephen
3.Santha Kurus
4.Pramilton
5.Anso @ Jesus Vinith Anso
6.Ajith
7.Mathan
8.Kamal
9.Abinav

...Petitioners/Accused 1 to
5,7,8,10 & 12
Vs.

1.The State rep. by
the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.357 of 2020)

...1st Respondent/Complainant

2.Kishok Kumar

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records in relating to the impugned FIR in Crime No.357 of 2020 on the file of the 1st respondent police and its consequential proceedings and to quash the same in so far as the petitioners are concerned.

For Petitioners : Mr. M.S. Jeyakarthik

For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For 2nd respondent : Mr. S. Vidhya sagar

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.357 of 2020, on the file of the first respondent police.

2.The case of the prosecution is that due to the wordy quarrel arose between the petitioners and the second respondent/defacto complainant, the accused have assaulted the defacto complainant with



deadly weapons. Hence, a case has been registered against the petitioners in Crime No.357 of 2020 for the offences under Sections 147, 148, 294(b), 323, 324, 427 and 506(ii) IPC.

3. The learned counsel appearing for the petitioners submitted that the accused Nos. 6, 9 and 11 viz., Thiliban, Prabakar, Rajilton respectively., are in abroad. Except the said accused all are other accused have settled their dispute out of the Court with the injured persons have and the injured do not continue the criminal proceedings against the accused.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that this is a case and counter case and a counter case has been registered against the 2nd respondent herein in Crime No.356 of 2020 for the offences under Sections 147, 148, 294(b), 323, 324, 307, 427 and 506(i) IPC.

5.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.

6.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners / accused 1 to 5, 7, 8, 10 and 12 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 the counsel for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

7.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, 332, 506(i) IPC.

8.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.

9.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.357 of 2020 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

10.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.357 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. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

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/07/2022

Sub Assistant Registrar(CS)

trp

To

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

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

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-27503[F] dated
22/06/2022)

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NA(CO)

KB(07.07.2022) 3P 4C