



CRL.O.P (MD) No.11396 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11396 of 2022

K.Pazhanimurugan @ Palanimurugan ...Petitioner/Sole Accused

Vs.

1.State through
The Inspector of Police,
Erwadi Dharga Police Station,
Ramanathapuram District.

...1st Respondent/Complainant

2.P.Santhi @ Santhi Priaya ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the F.I.R. in Crime No.50 of 2021 pending before the first respondent police (The Inspector of Police, Erwadi Dharga Police Station, Ramanathapuram District) and quash all the further proceedings as against the petitioner.

For Petitioner : Mr.K.Ramanathan

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : Mr.A.Alexander



CRL.O.P (MD) No.11396 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.50 of 2021, on the file of the first respondent police.

2.The case of the prosecution is that the petitioner is the husband and the defacto complainant is the wife. When the defacto complainant was sleeping in her house, the petitioner attacked her with iron road, abused her with filthy language, threatened her with dire consequences and caused injuries to her. 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 were also present in person before this Court and they were identified by Mr.A.Chandrasekar, SSI of Police, Erwadi Dharga Police Station,



CRL.O.P (MD) No.11396 of 2022

Ramanathapuram 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 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), 326, 498(A), 506 (ii) and 307 of 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.50 of 2021 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



CRL.O.P (MD) No.11396 of 2022

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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.50 of 2021 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.

27.06.2022

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

To

1. The Inspector of Police,
Erwadi Dharga Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL.O.P (MD) No.11396 of 2022

V.SIVAGNANAM, J.

vsd

ORDER IN
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27.06.2022