



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11006 of 2022

1. Balasaravanan @ Saravanan

2. Muthu Bemilan @ Muthu Bebilan

3. Abin

4. Balamanikandan

5. Rathishkumar @ Ratheesh ... Petitioners/ Accused 1to5
Vs

1. The State, represented by its,
The Inspector of Police,
Pazhavoor Police Station,
Tirunelveli District.
(Crime No.125 of 2022) ... 1st Respondent/Complainant

2. Sathiskumar ...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records relating to the impugned FIR in Crime No.125 of 2022 on the file of the respondent police and to quash the same.

For Petitioners : Mr.S.Vidhya Sagar

For Respondents : Mr.R.Suresh Kumar,
Government Advocate (Crl. Side) for R1
Mr.E.Johnson for R2

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.125 of 2022, dated 16.05.2022, on the file of the first respondent.

2.The case of the prosecution is that due to neighbourhood dispute, the petitioners herein attacked the defacto complainant. Hence, the defacto complainant lodged a complaint and for the same, an FIR had been registered in Crime No.125 of 2022, for the offences under Sections 147, 294(b), 324, 323 and 506(1) 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.The sixth accused Vimal is not in India and is abroad. Hence, the remaining accused Saravanan, Muthu Bemilan, Abin, Balamanikandan and Ratheesh have settled the matter with the defacto complainant/injured, out of Court.

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5.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.T.Suyambulingam, SSI of Police, Pazhavor Police Station. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.All the persons are relatives to each other, hence, 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.

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 147, 294(b), 324, 323 and 506(1) of 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.125 of 2022 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 No125 of 2022 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 (CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)



Enclosed herewith Copy of the Joint Compromise Memo

To:

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

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

+1 CC to M/s.S. VIDHYASAGAR, Advocate (SR-27502[F] dated 22/06/2022)

CRL.O.P (MD) No.11006 of 2022
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_RD(29.06.2022) 3P 4C