



CRL.O.P (MD) No.11047 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11047 of 2022

1.Paraniselvam

2.Praveen

3.Thivakar @ Palpandi

... Petitioners/Accused Nos.1 to 3

Vs.

1.The State rep. by

The Inspector of Police,
Vaigaidam Police Station,
Theni District.

(Cr.No.17 of 2022)

...1st Respondent/Complainant

2.Nagajothi

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the First Information Report in Crime No.17 of 2022 on the file of the first respondent herein and quash the same.

For Petitioners : Mr.B.Arun

For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.Side)

For R2 - R3 : Mr.S.Pradeep



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.17 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that the petitioner and the defacto complainant's husband are doing real estate business and they are family friends. The third respondent, who is the husband of the defacto complainant purchased a property on behalf of the second petitioner and he developed friendship with the second petitioner's sister. The third petitioner came to the house of the defacto complainant on 01.04.2022 at about 02.30 pm and informed the defacto complainant that her husband met with an accident and he is the house of the first petitioner. When she went there, she saw her husband was unconscious. Hence, she took him to K.Vilaku Government Hospital and she admitted him there. After recovering conscious, third respondent told her that due to land dispute, the petitioners attacked him and abused him in filthy language. Hence, the complaint. Hence, the complaint.



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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 and third respondents and also by their respective counsel. The petitioners and the second and third respondents were also present in person before this Court and they were identified by Mr.S.Venkatesan, SSI of Police, Vaigaidam Police Station, Theni 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 civil 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) IPC @ Section 326 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



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

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.17 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.

21.06.2022

Internet:Yes./No

Index:Yes/no

vsd

To

1.The Inspector of Police,
Vaigaidam Police Station,
Theni District.
(Cr.No.17 of 2022



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V.SIVAGNANAM, J.

vsd

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

ORDER IN
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