



**Crl.O.P.(MD) No.11134 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 23.06.2022**

**CORAM**

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

**CRL.O.P (MD) No.11134 of 2022**

1.Silambarasan

2.Vetri Siva

3.Kuralarasan

... Petitioners

**Vs**

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

2.Gurusamy

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C,  
praying to call for the records pertaining to the FIR in Crime No.78 of 2022  
on the file of the first respondent Police and quash the same.

For Petitioners : Mr.T.Lenin Kumar

For 1<sup>st</sup> Respondent : Mr.M.Sakthi Kumar,  
Government Advocate (Crl.Side)

For 2<sup>nd</sup> Respondent : Mr.D.Venkatesh



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## **ORDER**

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This Criminal Original Petition has been filed to quash the FIR in Crime No.78 of 2022 on the file of the first respondent Police Station.

2.The case of the prosecution is that the second respondent is working as a driver in TNSTC limited, Sankarankovil Depot. On 15.05.2022, when he was driving the bus bearing registration No.TN-72-N-1878 from Thirvenkadam to Tirunelveli, a two wheeler bearing registration No.TN-69-2871 came in opposite side and the driver of the two-wheeler drove the same in rash and negligent manner. When the second respondent warned the driver and pillion riders of the two-wheeler/petitioners, they abused the second respondent by using filthy language and also attacked him with hands and threatened him with dire consequences. 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.



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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.A.Muthupandian, SSI of Police, Daverkulam Police Station. 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, there was a quarrel between the parties 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 and 506(i) 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.



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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.78 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.78 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.

**23.06.2022**

Internet:Yes./No

Index:Yes/no

vsg



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To

- 1.The Inspector of Police,  
Devarkulam Police Station,  
Tirunelveli District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**V.SIVAGNANAM, J.**

vsg

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