



Crl.O.P.(MD) No.11182 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.11182 of 2022

Sikkanthar Masthan

... Petitioner

Vs

**1.The Inspector of Police,
Batlagundu Police Station,
Dindigul.**

2.Jaffar Sathik @ Jabber Sathik

3.Kamilabanu @ Kamitha Banu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records of impugned First Information Report in Crime No.103 of 2022 on the file of the respondent No.1 Police Station and quash the same.

For Petitioner : Mr.A.Abdul Kabur



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For 1st Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)
For Respondents : Mr.A.Mohamed Riyaz
2 and 3

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.103 of 2022 on the file of the first respondent Police Station.

2.The case of the prosecution is that the petitioner is the son-in-law of the respondents 2 and 3. The petitioner's younger son namely Mohamed Akkan had passed away due to failure of the treatment, since he has fallen from the upstairs. Thereafter, the petitioner quarreled with his wife, who is the daughter of the respondents 2 and 3. Due to which, the respondents 2 and 3 went to the petitioner's house and questioned the same. At that time, the petitioner abused the respondents 2 and 3 with filthy language and also assaulted them with hands. 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 petitioner and the respondents 2 and 3 and also by their respective counsel. The petitioner and the respondents 2 and 3 were also present in person before this Court and they were identified by Mr.P.Chellamuthu, SSI of Police, Batlagundu 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, the family dispute is pending 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 and 506(i) of IPC and Section 4 of TNPHW Act.

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.103 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.103 of 2022 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.

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



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To

- 1.The Inspector of Police,
Batlagundu Police Station,
Dindigul.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsg

ORDER IN
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