



CRL.O.P (MD) No.11244 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11244 of 2022

1.Murugan
2.Saramari
3.Minor Kannan
4.Mohan

... Petitioners/Accused Nos.1 to 4

Vs.

1.The State through
The Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.
(Crime No.39 of 2022)

...1st Respondent/Complainant

2.Arumugam

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records relating to the FIR in crime No.39 of 2022 dated 24.04.2022 on the file of the first respondent and quash the same.

For Petitioners : Mr.C.M.Mari Chelliah Prabhu
For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.Side)
For R2 : Mr.B.Muneeswaran



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.39 of 2022, dated 24.04.2022 on the file of the first respondent police.

2.The case of the prosecution is that due to pathway dispute, on 24.04.2022 there was a wordy quarrel arose between the petitioners and the defacto complainant, in which, the petitioners attacked the 2nd respondent/defacto complainant and abused him with filthy language and also criminally intimidated him. Hence, the defacto complainant lodged a complaint against the petitioners and the same was registered in Crime No. 39 of 2022 for the offences punishable under Sections 294(b), 323, 324 and 506(ii) 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.



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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.M.Abraham, SSI of Police, Paralachi Police Station, M.Reddiyapatti P.S. (incharge). 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), 323, 324 and 506 (ii) 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.39 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.39 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.

24.06.2022

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

To

- 1.The Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.
(Cr.No.39 of 2022)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.SIVAGNANAM, J.

vsd

ORDER IN
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