



Crl.O.P.(MD) No.12093 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12093 of 2022

1. Antony Selvam
2. Josephine Clara
3. Stephen Kasper
4. Albert Selvaraj
5. Albert Sasikumar

... Petitioners/ Accused No.1 to 5

Vs

1. The State Represented by
The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
Crime No.58 of 2022.

... 1st Respondent/Complainant

- 2.Yagammal Selvi

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in FIR in Crime No.58 of 2022 on the file of the first respondent and quash the same.

For Petitioners : M/s.M.Vivek Bharathi

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



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.58 of 2022 on the file of the first respondent..

2.The contention of the petitioners and the second respondent is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in Crime No.58 of 2022 for the offences punishable under Sections 147, 294(b) and 323 of IPC and 4 of TN Prohibition of Harassment of Women Act, 2002, against the petitioners.

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 learned counsel for the petitioners submitted that the defacto complainant and the accused persons are relatives. They settled the matter out of the Court and they have filed a Joint Memo of Compromise before



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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 the learned Government Advocate and Mr.V.Mohamed Khan, SSI of Police, Ambathurai Police Station, Dindigul 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 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 in Crime No.58 of 2022 for the offences punishable under Sections 147, 294(b) and 323 of IPC and 4 of TN Prohibition of Harassment of Women Act, 2002.

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.58 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.58 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.

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05.07.2022

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

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



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V.SIVAGNANAM, J.

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ORDER IN
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