



Crl.O.P.(MD) No.11571 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11571 of 2022

1.Yasir @ Mohammed Yazzer
2.Mathan
3.Anvar
4.Batcha Alias Sabipulla @ Mohammed Sabiulla ... Petitioners

Vs

1.The Inspector of Police,
Pattukkottai Police Station,
Thanjavur District,
(Crime No.860 of 2021)

2.Kalibulla ...
Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
to call for the records pertaining to the case in Crime No. 860 of 2021 on
the file of the 1st respondent and quash the same.

For Petitioners : Mr. K. Dinesh

For 1st respondent : Mr. M.Sakthikumar

Government Advocate (Crl. Side)

For 2nd respondent : Mr. M. Kupan

ORDER



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This Criminal Original Petition has been filed to quash the FIR in Crime No. 860 of 2021 on the file of the 1st respondent police.

2.The learned counsel appearing for the petitioners submitted that the case has been registered against the petitioners for the offence punishable under Sections 147, 294(b), 352, 506(2) and 427 IPC on the file of the 1st respondent police. He would further submit that the said dispute is relating to the administration of Jamath and now, the parties have settled their dispute out of court.

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 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.Kannadasan, SSI of Police, Pattukkottai Town Police



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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 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 for the offence under Sections 147, 294(b), 352, 506(2) and 427 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.

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.860 of 2021 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



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as a sequel, the proceedings in Crime No.860 of 2021 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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Internet: Yes./No
Index: Yes/no
trp

To

1.The Inspector of Police,
Pattukkottai Police Station,
Thanjavur District,

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



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V.SIVAGNANAM, J.

trp

ORDER IN

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