



CrI.O.P.(MD) No.11994 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11994 of 2022

Hariharan

... Petitioner

Vs

**1.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.**

2.Senthilmani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned FIR in Crime No. 99 of 2022, dated 15.05.2022 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.M.Sridharan

**For 1st Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)**

For 2nd Respondent : No appearance



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ORDER

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This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.99 of 2022, dated 15.05.2022 on the file of the first respondent Police.

2.The case of the prosecution is that on 15.05.2022 at about 10.45 a.m, the second respondent's sheep was trying to enter into the petitioner's garden, which was protected by electric fencing. At that time, the second respondent's sheep struck in that electric fencing. Due to the electric shock, the said sheep was died on the spot. Hence, the present 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.

4.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by



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Mr.K.Senthil, SSI of Police, Thiruchuli Police Station as well as by the learned Counsels appearing for the parties. 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 Section 429 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.

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.99 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.99 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.

11.07.2022

Internet: Yes./No

Index: Yes/no

vsg



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To

- 1.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

- 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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