



CrI.O.P.(MD) No.11989 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11989 of 2022

Rasu

... Petitioner/ Sole Accused

Vs

1. The State through
The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District.
In Crime No.179 of 2022)

... 1st Respondent/ Complainant

2. S.Chinnachamy @ Saravanan

..... 2nd Respondent/
De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.179 of 2022 on the file of the first respondent police and to quash the same against the petitioner.

For Petitioner : Mr.J.David Ganesan

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

For R2 : Mr.P.Balamurugan



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.179 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that the petitioner is a auto driver and on 11.06.2021 at about 10.30 a.m, when he parked his auto in front of one Private Lodge at East Street, Rameswaram and went to pick up his customers, somebodies putting washed cloths in the petitioner's auto and the same was questioned by the petitioner, at that time, some wordy quarrel arose between the petitioner and the second respondent. Thereafter, the second respondent made a complaint before the first respondent. On receiving the same the first respondent registered a case in Crime No. 179 of 2022, dated 11.06.2022 for the offences under Sections 294(b), 323 and 506 (ii) of IPC as against the petitioner.

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. The learned counsel for the petitioner submitted that this is a case in counter and the defacto complainant and the accused person settled the matter out of the Court and they have been filed a Joint Memo of Compromise 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 the learned Government Advocate (Crl.Side) and Mr.D.Karthik Raja, Gr.I -724, Rameswaram Town 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 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 294(b), 323, 506(ii) 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



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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.179 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.179 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.

04.07.2022

Internet: Yes./No

Index: Yes/no

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Note: Issue order copy on 05.07.2022



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To

- 1.The Inspector of Police,
Rameswaram Town Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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