



Crl.O.P.(MD) No.11868 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.11868 of 2022

1. Selvaraj
2. Mohan
3. Senthil @ Senthilkumar
4. Pushparaj
5. Suriya

... Petitioners/ Accused Nos. 1 to 5
Vs

1. The Inspector of Police,
Pettaivaithalai Police Station,
Trichy District.
(In Crime No.65 of 2022)

... 1st Respondent/Complainant

2. Mukesh

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the case in Crime No.65 of 2022 on the file of the first respondent and to quash the same.

For Petitioners : Mr.S.Sivagami

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

For R2 : Mr.M.Suresh



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.65 of 2022 on the file of the first respondent.

2.The case of the prosecution is that on 22.05.2022, at that time of temple festival a wordy quarrel arose between the petitioners and the defacto complainant. Due to the motive, the petitioners and other unknown person abused the defacto complainant and his family members and attacked with wooden lock and threatened the same with dire consequences and abusing the filthy language. Hence the 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.



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4. The learned counsel for the petitioners submitted that it is a case and case in counter. The victims and the accused persons are belong to the same villages. They 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 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.M.Ponnusamy, SI of Police, Pettaivaithalai Police Station, Trichy 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 for the offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC.



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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.65 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.65 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.

04.07.2022

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

1. The Inspector of Police,
Pettaivaithalai Police Station,
Trichy District.

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



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V.SIVAGNANAM, J.

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