



Crl.O.P.(MD) No.11955 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11955 of 2022

1. Tamilselvan @ Thangapandi
2. Kali @ Kaliraj
3. S.Manojkumar
4. K.Kannan

... Petitioners/Accused Nos. 1 to 4
Vs

- 1.The State Represented through
The Inspector of Police,
Kadaiyanallur Police Station,
Kadaiyanallur, Tenkasi District.
(Crime No.439 of 2021)

... 1st Respondent/Complainant

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

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records in Crime No.439 of 2021 on the file of the
first respondent police and to quash the same against the petitioners.

For Petitioners : Mr.J.David Ganesh

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

For R2 : Mr.C.Saravanakumar



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.439 of 2021, on the file of the first respondent police.

2.The case of the prosecution is that, on 06.12.2021, at about 10.30 p.m., the first petitioner driven the bike, in a rash and negligent manner and dashed behind the de-facto complainant's auto in bearing Registration No.TN76-AA-6638 and the de-facto complainant questioning the same. At that time, the petitioners attacked the de-facto complainant and threatened by using filthy language. Therefore, the second respondent lodged a complaint before the first respondent. The first respondent registered First Information Report in Crime No.439 of 2021 for the offences punishable under Sections 279, 337, 294(b), 323, 427 and 506(ii) of IPC, 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.



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4. The learned counsel for the petitioners, the learned Government Advocate and the learned counsel for the second respondent submitted that now, the petitioners and the second respondent compromised the matter and settled the dispute out of the Court and to that effect 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 (Crl.Side) and Mr.V.Soundarapandian, SSI of Police, Kadaiyanallur Police Station, Tenkasi 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 279, 337, 294(b), 323, 427 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.439 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 as a sequel, the proceedings in Crime No.439 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.

08.07.2022

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

1. The Inspector of Police,
Kadaiyanallur Police Station,
Kadaiyanallur,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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