



Crl.O.P.(MD) No.12175 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12175 of 2022

1. Ajith
2. Sathees

... Petitioners/ Accused Nos.1 & 2
Vs

1. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(in Crime No.173 of 2021)

.... 1st Respondent /Complainant

2. Baskaran

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with the FIR in Crime No.173 of 2021, on the file of the first respondent and to quash the same in respect of the petitioners.

For Petitioners : Mr.V.Selva

For R1 : Mr.A.Albert James
Government Advocate (Crl.side)

For R2 : Mr.D.Senthil



Crl.O.P.(MD) No.12175 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.173 of 2021, on the file of the first respondent police.

2. The contention of the petitioners is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in Crime No.173 of 2021 for the offences punishable under Sections 294(b), 323 and 506(i) 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.

4. The learned counsel for the petitioners submitted that it is a case and case in counter. The defacto complainant and the accused persons 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



Crl.O.P.(MD) No.12175 of 2022

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.S.Ramachandran, HC-333, Abiramam Police Station, Ramanathapuram 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 F.I.R in Crime No.173 of 2021 for the offence punishable under Sections 294(b), 323 and 506(i) 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



Crl.O.P.(MD) No.12175 of 2022

proceedings in Crime No.173 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.173 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.

Internet: Yes./No
Index: Yes/no
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28.07.2022
(1/2)



Crl.O.P.(MD) No.12175 of 2022

To

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



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Crl.O.P.(MD) No.12175 of 2022

V.SIVAGNANAM, J.

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ORDER IN
CRL.O.P (MD) No.12175 of 2022

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(1/2)