

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.(MD) No.12547 of 2022 and
Crl.M.P(MD).No.7949 of 2022

Prabakaran

...Petitioners

Vs.

1.State through the
Inspector of Police,
Jagadapattinam Police Station,
Pudukkottai District.
(Crime No.40 of 2021)

2.Nagavalli

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the First Information Report in Crime No. 40 of 2021, dated 13.02.2021 for the offences under Sections 294(b), 323, 506(i) IPC on the file of the 1st respondent police and quash the same.

For Petitioner : Mr. KR.Bharathi Kannan

For 1st respondent : Mr.M.Sakthikumar
Government Advocate (Crl. Side)

For 2nd respondent : Mr. S.Ramasamy

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 40 of 2021 on the file of the 1st respondent police.

2.The learned counsel appearing for the petitioners submitted that the case has been registered against the petitioners for the offence punishable under Sections 294(b), 323, 506(i) IPC on the file of the 1st respondent police. He would further submit that now, the parties have settled their dispute out of court.

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 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 Mr.S.Marimuthu, SSI of Police, Jegathapattinam P.S. 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(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 proceedings in Crime No.40 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.40 of 2021 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. Consequently, the connected Miscellaneous Petition is closed.

13.07.2022

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
trp

To

1. The Inspector of Police,
Jagadapattinam Police Station,
Pudukkottai District.

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

Crl.O.P.(MD) No.12547 of 2022

V.SIVAGNANAM, J.

trp

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