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Crl.O.P.(MD) No.12959 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12959 of 2022

1.Ramaiya

2.Eswari

3.Sundhar

... Petitioners

Vs

1.The State,
Represented by,
The Sub Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
(F.I.R.No.50 of 2022)

2.Packiyaraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records of FIR No.50 of 2022, dated 22.06.2022, on the file of the first respondent, A.Mukkulam Police Station, Virudhunagar District and quash the same.

For Petitioners : Mr.R.Murugappan

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate,
(Criminal Side).

For R-2 : Mr.P.Balamurugan



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ORDER

This Criminal Original Petition has been filed to quash the FIR No.51 of 2022, dated 22.06.2022 on the file of the first respondent.

2.The case of the prosecution is that there was a dispute between the petitioners and the second respondent. Hence, the case was registered in FIR No.51 of 2022, dated 22.06.2022 on the file of the first respondent.

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.I.Rajendran, Special Sub Inspector of Police, A.Mukkulam Police Station, Virudhunagar District as well as by the learned Counsels appearing



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for the parties. 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, 355 IPC and Section 4 of Prohibition of Harassment of Women Act.

6. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in (2012)10 SCC 303 and *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujarath* 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.51 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.51 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.

19.07.2022

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

To

1. The Sub Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

Nsr

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