



Crl.O.P.(MD) No.12812 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12812 of 2022

1. Mohamed Tariq @
Mohamed Tariq Rahman
 2. Sharfuddin @
Sickender Sarbudden
- Petitioners/ Accused No.1 & 2

Vs

1. The State Represented by
The Inspector of Police,
Elayangudi Police Station,
Elayangudi,
Sivagangai District.
(Crime No.300 of 2020)
 2. Mohammed Yunus
- ... 1st Respondent/ Complainant
- ... 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 charge sheet filed in S.C.No. 103 of 2021 on the file of the Sub-Court, Manamadurai, Sivagangai District and to quash the same.



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For Petitioners : Mr.B.Prahalad Ravi
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)
For R2 : Mr.S.Ramakrishnanan

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in S.C.No.103 of 2021 on the file of the Sub Court, Manamadurai, Sivagangai District, for the offences punishable under Sections 294(b), 324, and 307 I.P.C

2.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The learned counsel for the petitioners submitted that the defacto complainant and the accused persons settled the matter out of the Court and they have filed a Joint Memo of Compromise before this Court which have been signed by the petitioners and the second respondent and also by their



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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. A.Johnkennady, Elayangudi Police Station, Sivagangai District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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), 324, and 307 I.P.C.

5. 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.

6. 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



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proceedings in S.C.No.103 of 2021 pending before the Sub Court, Manamadurai, Sivagangai District, even though, the offences involved are not compoundable in nature.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.103 of 2021, on the file of the Sub Court, Manamadurai, Sivagangai District is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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

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



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V.SIVAGNANAM, J.

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ORDER IN
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