



Crl.O.P.(MD) No.13032 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13032 of 2022

1. Soundarapandi
2. Pandiyarajan
3. Kottaiyan
4. Marimuthu
5. S.Kottaiyan
6. Muthukumar

... Petitioners/ Accused No.1 to 6

Vs

1. The State Represented by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
Crime No. 273 of 2015.

... 1st Respondent/ Complainant

2. Rajkumar

... 2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the Crime No.273 of 2015, dated 25.10.2015 on the file of the first respondent police.

For Petitioners : Mr.R.Sundar

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

For R2 : Mrs.B.Muthumari



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.273 of 2015 on the file of the first respondent.

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.273 of 2015 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii), 307 IPC and 379 (NP) 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 the defacto complainant and the accused persons are living in the same locality. They have 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



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and the second respondent and also by their respective counsel. The petitioners were present in person before this Court and the defacto complainant/ 2nd respondent's son present before this Court and represented that his father is aged about more than 72 years and he is not able to walk and they were identified by the learned Government Advocate and Mr.S.Subbiah, SSI of Police, Thirumangalam Taluk Police Station, Madurai 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 in No.273 of 2015 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii), 307 IPC and 379 (NP) 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.



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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.273 of 2015 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.273 of 2015 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.

22.07.2022

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

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



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V.SIVAGNANAM, J.

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