



Crl.O.P.(MD) No.13047 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13047 of 2022

Manikandan

... Petitioner/ Sole Accused

Vs

1. The District Superintendent of Police,
Pudukkottai,
Pudukkottai District.

2. The State Represented by
The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
(Crime No.169 of 2022)

... Respondents/ Complainants

3. Muthukumar

... 3rd 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 Crime No.169 of 2022 on the file of the second respondent police and quash the same.



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For Petitioner : Mr.S.Poornachandran
For R1& R2 : Mr.A.Albert James
Government Advocate (Crl.Side)
For R3 : Mr.S.Vijayakumar

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.169 of 2022 on the file of the second respondent.

2. The contention of the petitioner is that based on the complaint lodged by the third respondent, the second respondent registered First Information Report in Crime No.169 of 2022 for the offences punishable under Sections 294(b), 506(i) I.P.C., Section 67 of the Information Technology Act, Section 3(1) (r), Section 3(1) (s) and Section 3(2) (va) of the SC/ST Act, against the petitioner.

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.



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4. The learned counsel for the petitioner submitted that it is a case and case in counter. The defacto complainant and the accused person 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 petitioner and the third respondent and also by their respective counsel. The petitioner and the third respondent were also present in person before this Court and they were identified by the learned Government Advocate and Mr.P.Raja, SSI of Police, Pudukkottai Town Police Station, Pudukkottai 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 Crime No.169 of 2022 for the offences punishable under Sections 294(b), 506(i) I.P.C., Section 67 of the Information Technology Act, Section 3(1) (r), Section 3(1) (s) and Section 3(2) (va) of the SC/ST Act.



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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.169 of 2022 pending before the second 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.169 of 2022 on the file of the second respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

20.07.2022

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

1. The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai 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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