



Crl.O.P.(MD) No.13015 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13015 of 2022

1. P.M.Pabin Sharma
2. Suthan
3. Kirubagar @ Kiruba
4. Prabhu @ Frankalin Prabhu
5. William @ William Jones

... Petitioners/ Accused Nos.1 to 5
Vs

1. The State Represented by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(in Crime No.41 of 2020)

.... 1st Respondent /Complainant

2. R.Raja

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in FIR in Crime No.41 of 2020, on the file of the Inspector of Police, Suchindram Police Station, Kanyakumari District, and to quash the same.



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For Petitioners : Mr.M.Krishna Sreethar
For R1 : Mr.A.Albert James
Government Advocate (Crl.Side)
For R2 : Mr.S.Jawahar

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.41 of 2020, on the file of the first respondent police.

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.41 of 2020 for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) I.P.C., 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.



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4. 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 been filed a Joint Memo of Compromise 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 the learned Government Advocate (Crl.Side) and the learned counsel for the petitioners as well as the second respondent. 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 F.I.R in Crime No.41 of 2020 for the offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) I.P.C.



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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.41 of 2020 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.41 of 2020 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.

28.07.2022
(1/2)

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

1. The Inspector of Police,
Suchindram Police Station,
Kanyakumari 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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