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Crl.O.P.(MD) No.13355 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13355 of 2022

1. Sridhar,

2. Murugesan,

3. Murugan,

: Petitioners

Vs

1.State represented through
The Inspector of Police,
K.Poudur Police Station,
Madurai District.
Crime.No. 206 of 2022.

2. Duraipandi,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records connected to the impugned FIR in Crime No. 206 of 2022, pending on the file of the first respondent police and quash the same as against the petitioner.



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For Petitioners : M/s Karunanidhi.R,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.P.Janarthanan

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 206 of 2022, pending on the file of the first respondent police.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the second respondent and the petitioners. The petitioners abused him with filthy languages, assaulted him and also threatened with dire consequences. Hence the complaint.

3.The learned Government Advocate (Crl.Side) submitted that based on the complaint lodged by the defacto complainant, an FIR in Crime No. 206 of 2022 has been registered. In this case, there are totally four accused persons, who involved in the alleged occurrence. But, in this case, only after registration of FIR, one Ponusamy was identified as the fourth accused. Hence, his name was not included in the FIR.



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4.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.

5.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, second respondent and the fourth accused/Ponusamy are also present before this Court and they were identified by Mr.V.Janakiraman, SSI of Police, K.Pudur Police Station as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.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, 506(i) IPC.



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7.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.

8.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. 206 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 206 of 2022 on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

25.07.2022

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



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To

1.The Inspector of Police,
K.Poudur Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

lr

ORDER IN
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