



CrI.O.P.(MD) No.13626 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13626 of 2022

and

CrI.M.P(MD) No. 8712 of 2022

1. A.Thirumurugan
2. A.Nerumurugan
3. M.Ramarajan
4. U.Uthayakumar
5. M.Harish - Minor
Through his father
K.Manikandan

... Petitioners/Accused Nos.1 to 5

Vs

1. The State Represented by
The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
(in Crime No.153 of 2022)

... 1st Respondent/ Complainant

2. V.Ganesan

... 2nd Respondent/ defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the proceeding of the FIR in Crime No.153 of 2022, on the file of the first respondent police, dated 04.07.2022 for the alleged offence under Sections 341, 147, 294(b), 323, 324, 379 and 506 (ii) of I.P.C., as far as the petitioners are concerned.



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For Petitioners : Mr.T.Thirumurugan
For R1 : Mr.A.Albert James
Government Advocate (Crl. Side)
For R2 : Mr.P.Vetrivel

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.153 of 2022, 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.153 of 2022 for the offences punishable under Sections 341, 147, 294(b), 323, 324, 379 and 506 (ii) of 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 it is a case and case in counter. The defacto complainant and the accused persons are belong to the same villages. They 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 1 to 4 and the second respondent and also by their respective counsel. Since the 5th petitioner is a minor, his father signed in the memo on behalf of his son. 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.K.Selvam, Sub-Inspector of Police, Muthukulathur Police Station, Ramanathapuram 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 F.I.R in Crime No.153 of 2022 for the offence under Sections 341, 147, 294(b), 323, 324, 379 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.153 of 2022 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.153 of 2022 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. Consequently, the connected Miscellaneous Petition is closed.

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

1. The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram 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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