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CRL.O.P(MD) No.13416 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P(MD) No.13416 of 2022

1.Thiyagarajan @ Malaiyandi

2.Senthil @ Senthilkumar

... Petitioners/Accused Nos.1 & 2

Vs

1.State through

The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.

(In Crime No.269 of 2021)

... 1st Respondent/Complainant

2.Sakthivel

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned F.I.R. in Crime No.269 of 2021, dated 14.08.2021 on the file of the first respondent police and to quash the same as illegal.

For Petitioners :Mr.K.Sivabalan

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

For R2 : Mr.E.Balasubramanian



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ORDER

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This Criminal Original Petition has been filed to quash the F.I.R in Crime No.269 of 2021, dated 14.08.2021 on the file of the first respondent police.

2.The case of the prosecution is that the *de facto* complainant's wife is the President of Alavayal Panchayat. One Palanivelu died by affecting Corona virus. Hence, on 14.08.2021, the *de facto* complainant and his wife made a campaign in the Alavayal Panchayat Marriage Hall with nurses for putting vaccination for the Corono virus. At that time, at about 12.30 p.m. the petitioners came there and scolded the *de facto* complainant by using filthy languages for the reason that the wife of the *de facto* complainant has stated that his father died due to corona virus. Both the petitioners attacked the *de facto* complainant and caused injuries. Hence, the *de facto* complainant gave a complaint and the case has been registered.

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.



CRL.O.P(MD) No.13416 of 2022

4.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 and the second respondent were also present in person before this Court and they were identified by Mr.J.Sridharan, SSI of Police, Ponnamaravathi 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.

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 for the offence under Sections 294(b), 323 and 506(i) of 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.



CRL.O.P(MD) No.13416 of 2022

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.269 of 2021 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.269 of 2021 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.

02.08.2022

Internet:Yes/No
Index:Yes/no
vsd

To

- 1.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

ORDER IN
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