



Crl.O.P.(MD) No.13362 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.13362 of 2022

Mohan Raj

... Petitioner

Vs.

**1. The Inspector of Police
Mudukulathur Police Station,
Ramanthapuram District**

2. Haridass @ Haridoss

3. Gandhi

4. Minor. Kamali

(Rep. bu her grand mother the third respondent herein) ...Respondents

**PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records pertaining to the proceedings in Crime No.
179 of 2021 on the file of the first respondent police and quash the same.**

For Petitioners	: Mr.T.Veerakumar
For Respondents	: Mr.A.Albert James
No.1	Government Advocate(Crl.Side)
No.2	: Mr.M.Arumugam



Crl.O.P.(MD) No.13362 of 2022

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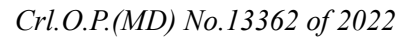
ORDER

This Criminal Original Petition has been filed to quash the FIR in 179 of 2021 on the file of the first respondent police

2.The case of the prosecution is that on 07.04.2021 the petitioner herein said to have abused the defacto complainant and attacked with wooden log. At that time when the third and fourth respondent intervened the petitioner said to have assaulted them also.

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.

4.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second and third respondents and also by their respective counsel. The petitioner and the second and third respondent were also present in person before this Court



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 power to quash the complaint for the offence under Sections 294(b), 324, 506(ii) of IPC and Section 4 of TNPHW Act.

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 Gujra* 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. 179 of 2021 pending before the first



Crl.O.P.(MD) No.13362 of 2022

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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. 179 of 2021 on the file of the first respondent police respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

27.07.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The Inspector of Police
Mudukulathur Police Station,
Ramanthapuram District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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CrI.O.P.(MD) No.13362 of 2022

V.SIVAGNANAM, J.

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CrI.O.P.(MD) No.13362 of 2022

27.07.2022