



Crl.O.P.(MD) No.13312 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.13312 of 2022

1. Selvendran
2. Ponnar

... Petitioners

Vs.

1. The Inspector of Police
Vaiyampatti Police Station
Manapparai Taluk
Trichy District

2. James peter

....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. 481 of 2021 on the file of the first respondent police and quash the same.

For Petitioners	: Mr.K.S.Kathiravan
For Respondents	: Mr.A.Albert James
No.1	Government Advocate(Crl.Side)
No.2	: Mr.S.Vishnu Vardhan



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in 481 of 2021 on the file of the first respondent police

2.The case of the prosecution is that there previous enmity with regard to grazing of cattle between the petitioners and the defacto complainant. On 07.1.2021 when the second petitioner's son asked for a hen from the defacto complainant to cook, he refused to give. Hence on 14.11.2021 at about 8.00 pm., the petitioners herein along with other accused trespassed into the house of the defacto complainant and abused the members in the defacto complainant house in abusive language, attacked them and also threatened them with dire consequences.

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.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.Veerapandi,PC 1667, Vaiyampati Police Station, Trichy 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 power to quash the complaint for the offence under Sections 294(b),323,324,506(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***



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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. 481 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. 481 of 2021 on the file of the first respondent police respondent police, is quashed insofar as the petitioners 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
aav



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To
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1. The Inspector of Police
Vaiyampatti Police Station
Manapparai Taluk
Trichy District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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