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Crl.O.P.(MD) No.13715 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13715 of 2022

S.Thavamani,

: Petitioner

Vs

1. The Sub Inspector of Police,
Avaniyapuram Police Station,
Madurai Distirct.
Crime No.72/2021.

2. Jeyalakshmi,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the FIR in Crime No.72 of 2021 on the file of the respondent police and quash the same as illegal, incompetent and ultravires by allowing the present criminal original petition.

For petitioner : M/s. Sundarapandian.S.S,

For R1 : Mr.A.Albert James,

Government Advocate (Crl.Side)

For R2 : Mr.M.Mahendraprabhu

ORDER

1/5



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This Criminal Original Petition has been filed to quash the FIR in Crime No.72 of 2021.

2.The case of the prosecution is that the petitioner thrown a stone to close the drainage leakage. The sewage water was sprinkled on the defacto complainant's face. She asked that why he pelted the stone. For that, the petitioner slapped the defacto complainant and she fainted on the spot. Hence the complaint.

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 respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.M.Palanichamy, SI of Police, V2 Avaniapuram Police Station, Madurai



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City 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 Section 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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.72 of 2021 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.72 of 2021 on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

01.08.2022

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

To

1. The Sub Inspector of Police,
Avaniyapuram Police Station,
Madurai Distirct.

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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