



Crl.O.P.(MD) No.14242 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14242 of 2022

1. Pothumponnu
2. Suresh Kumar
3. Ramasami @ Ramasamy
4. Venkatesan

... Petitioners/Accused Nos.1 to 4

Vs

1. The Inspector of Police (Circle)
Ulagampatti Police Station,
Sivagangai District.

2. The Sub-Inspector of Police,
Puludhipatti,
Sivagangai District.
Crime No.21 of 2022.

... Respondents 1 & 2/ Complainants

3. Eeti Koonar @ Ettikon

... 3rd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the impugned FIR in Crime No.21 of 2022, dated 12.04.2022, for the offences under Sections 294 (b), 323, 448, 506 (I) I.P.C., r/w. Section 4 of TNPHW Act, on the file of the second respondent police.



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Crl.O.P.(MD) No.14242 of 2022

For Petitioners : Mr.S.Boominathan
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)
For R3 : Mr. P.M.Vishnuvarthanan

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.21 of 2022, dated 12.04.2022, on the file of the second respondent police.

2.The contention of the petitioners is that based on the complaint lodged by the third respondent, the second respondent registered First Information Report in Crime No.21 of 2022 for the offences punishable under Sections 294 (b), 323, 448, 506 (I) I.P.C., r/w. Section 4 of TNPHW Act.

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.14242 of 2022

WEB COPY

4. The learned counsel for the petitioners submitted that it is a case and case in counter. The defacto complainant and the accused persons settled the matter out of the Court and they have been filed a Joint Memo of Compromise before this Court which have been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by the learned Government Advocate and Mr.P.Thennavan, HC-574, Puludhipatti Police Station, Sivagangai 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 FIR in Crime No.21 of 2022, for the offences under Sections 294 (b), 323, 448, 506 (i) I.P.C., r/w. Section 4 of TNPHW Act.



Crl.O.P.(MD) No.14242 of 2022

WEB COPY

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.21 of 2022 pending before the second 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.21 of 2022 on the file of the second respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order.

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

10.08.2022
(1/2)



Crl.O.P.(MD) No.14242 of 2022

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To

1. The Inspector of Police (Circle)
Ulagampatti Police Station,
Sivagangai District.
2. The Sub-Inspector of Police,
Puludhipatti,
Sivagangai District.
3. 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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