



Crl.O.P.(MD) No.14172 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14172 of 2022

and

CRL.M.P (MD) No.9119 of 2022

C.Karthik Chakravarthy,

: Petitioner/Sole Accused

Vs

1. State through
The Inspector of Police,
Vadipatty Police Station,
Madurai District.
Crime No.104 of 2022

: Respondent/Complainant

2. Chinnamani,

: Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records in Crime No.104 of 2022 registered by the first respondent police U/s.294(b), 427, 506(ii) of IPC on 04.04.2022 against the petitioner and quash the same as illegal.



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For petitioner : M/s. Vadivel.A,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.M.Madhavan

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.104 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that due to civil dispute, the petitioner tried to attack the defacto complainant and caused damage to his AC compressor. 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



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were also present in person before this Court and they were identified by Mr.M.Dhanasekaran, HC of Police, Vadipatti 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 civil 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), 427, 506(ii) 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.

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. 104 of 2022 pending before the first respondent



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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. 104 of 2022 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. Consequently, connected miscellaneous petition is closed.

12.08.2022

Internet: Yes./No

Index: Yes/no

lr

Note: Issue Order copy on 17.08.2022

To

1. The Inspector of Police,
Vadipatty Police Station,
Madurai District.

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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