



CRL.O.P (MD) No.14606 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14606 of 2022

Venkatesh

... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam Police Station,
Thoothukudi District.

2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(In Crime No.195 of 2022)

...1st & 2nd Respondent/Complainant

3.Murugan

... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to call for the records of FIR in Crime No.195 of 2022 pending on
the file of the second respondent and quash the same.

For petitioner : Mr.V.Angusamy

For R1 – R2 : Mr.A.Albert James
Government Advocate (Crl.side)

For R3 : Mr.A.Balaji



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ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.195 of 2022 pending on the file of the second respondent.

2.The case of the prosecution is that on 13.07.2022 at about 2.00 p.m. while the *de facto* complainant was tending his cows, unfortunately, cows were entered into the banana plantation belongs to the petitioner and grazed the same. Hence, there was a quarrel arose between the petitioner and the defacto complainant. The petitioner attacked the de facto complainant with Aruval. Based on the complaint given by the defacto complainant, a case has been registered in Crime No.195 of 2022 for the offences punishable under Sections 294(b), 324, 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) of the SC/ST (POA) Amended Act, 2015.

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 wherein the petitioner and the third respondent and also their respective counsel have signed. The third respondent is also present in person before this Court and he is identified by Mr.P.Ramasamy, SSI of Police, Srivaikundam Police Station as well as by the learned Counsel appearing for the parties. The petitioner/accused is in judicial custody in connection with some other case. The Superintendent, District Prison, Peroorani, Thoothukudi District has acknowledged the compromise memo filed by the petitioner/accused. This Court has also enquired the third respondent and is 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 Sections 294(b), 324, 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) of the SC/ST (POA) Amended Act, 2015.



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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.195 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.195 of 2022 on the file of the second respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

16.08.2022

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

Note: Issue Order Copy on 16.08.2022



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To

- 1.The Deputy Superintendent of Police,
Srivaikundam Police Station,
Thoothukudi District.
- 2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(In Crime No.195 of 2022)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

ORDER IN
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