



Crl.O.P.(MD) No.14748 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14748 of 2022

Mathiyalagan

... Petitioner

Vs.

**1. The Inspector of Police
Anna Nagar Police Station
Madurai District**

2.Thangaraj

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the FIR in Crime No.289 of 2022 under Sections 294(b),341,323,324 and 506(2) of IPC registered on 19.06.2022 on the file of the first respondent and quash the same as illegal as against the petitioner/accused.

For Petitioner	: Mr.M.Iniyavan
For Respondents	: Mr.A.Albert James
No.1	Government Advocate(Crl.Side)
No.2	: Mr.R.Vignesh



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in 289 of 2022 on the file of the first respondent police

2.The case of the prosecution is that due to previous enmity on 18.06.2022 when the defacto complainant was returning to his house, the petitioner intercepted him and attacked with weapons and threatened with dire consequences, hence the case came to be registered.

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.S.Mohandoss, SI of Police, E.3 Anna Nagar Police



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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, it is case in counter and now both the parties had compromised. Where the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b),341,323,324 and 506(2) of 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.289 of 2022 pending before the first respondent police, even though, the offences involved are not



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compoundable in nature.

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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.289 of 2022 on the file of the first respondent police respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

22.08.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
aav

To

1. The Inspector of Police
Anna Nagar Police Station
Madurai District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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