



Crl.O.P.(MD) No.15485 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15485 of 2022

1. V.Palaniyappan
2. M.Ramani
3. M.Vellaichamy

... Petitioners/ Accused No. 1, 3 & 5
Vs

1. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Crime No.267 of 2017)

... 1st Respondent/Complainant

- 2.S.Uthiramurugan

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to S.C.No.226 of 2019, on the file of the learned Subordinate Judge, Melur and quash the same in respect of the petitioners concerned.

For Petitioners : Mr.D.Gurusamy

For R1 : Mr.A.Albert James
Government Advocate (Crl Side)

For R2 : Mr.P.Krishnasamy



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ORDER

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This Criminal Original Petition has been filed to quash the Charge Sheet in S.C.No.226 of 2019, on the file of the learned Subordinate Judge, Melur, in Crime No.267 of 2017, for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 307 I.P.C., dated 14.05.2017, on the file of the first respondent Police.

2.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The learned counsel for the petitioners submitted that the defacto complainant and the accused persons settled the matter out of the Court and they have filed a Joint Memo of Compromise before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by the learned Government Advocate and Mr.Rajasekaran, SSI, Othakadai Police Station,



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Madurai District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 offences punishable under Sections 147, 148, 294(b), 323, 324 and 307 I.P.C.

5. 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 Gujraht** reported in (2017)9 SCC 641 were taken into consideration.

6. 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 S.C.No.226 of 2019 pending before the learned Subordinate Judge, Melur, even though, the offences involved are not compoundable in nature.



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7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.C.No.226 of 2019, on the file of the learned Subordinate Judge, Melur, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

29.08.2022

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

1. The Subordinate Judge, Melur.
2. The Inspector of Police,
Y. Othakadai Police Station,
Madurai 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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