



Crl.O.P.(MD) No.15490 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.15490 of 2022

1. V.Palaniyappan
2. Velaayutham
3. V.Saravanan

... Petitioners/ Accused No. 1, 3 & 4
Vs

1. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(in Crime No.504 of 2016)

... 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 FIR in Crime No.504 of 2016, dated 19.09.2016, on the file of the first respondent/Complainant 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



Crl.O.P.(MD) No.15490 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.504 of 2016, dated 19.09.2016, on the file of the first respondent.

2.The contention of the petitioners is that based on the complaint lodged by the second respondent, the first respondent registered First Information Report in Crime No.504 of 2016 for the offence punishable under Sections 294(b), 323, 324 and 506(ii) of I.P.C., against the petitioners.

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. 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 filed a Joint Memo of Compromise before this Court which have been signed by the petitioners



CrI.O.P.(MD) No.15490 of 2022

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, Madurai 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 complaint for the offence under Sections 294(b), 323, 324 and 506(ii) of I.P.C.

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



Crl.O.P.(MD) No.15490 of 2022

proceedings in Crime No.504 of 2016 pending before the first 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.504 of 2016 on the file of the first respondent police, is quashed insofar as the petitioners alone 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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(3/3)

To

1. The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.15490 of 2022

V.SIVAGNANAM, J.

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ORDER IN
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