



Crl.O.P.(MD) No.15210 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15210 of 2022

1. Rajesh
2. Prakash
3. Naveen
4. Mahesh
5. Ramesh
6. Ayyanar
7. Jeyabal
8. Rajesh ... Petitioners/A-3, 5, 11, 16, 18, 19, 21 & 23

Vs

1. The State represented by its
Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.21 of 2016) ...R-1/Complainant
2. Neppolian ...R-2/Defacto complainant
3. Alagarsamy ...R-3/Victim



Crl.O.P.(MD) No.15210 of 2022

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the proceedings of First Information Report in Crime No.21 of 2016 on the file of the 1st respondent and quash the same.

For petitioners : Mr.A.V.Arun

For R-1 : Mr.A.Albert James,
Government Advocate (crl. side)

For R-2 & R-3 :Mr.P.Vijaya Barathi

ORDER

This Criminal Original Petition has been filed to quash the First Information Report, dated 28.01.2016 in Crime No.21 of 2016, for the offences under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) of IPC, pending on the file of the 1st respondent police.

2.The case of the prosecution is that the the victim and the defacto complainant and accused persons are relatives. The accused persons have assaulted the victim and defacto complainant and caused injuries and also made life threat with dire consequences. Hence, the complaint.



Crl.O.P.(MD) No.15210 of 2022

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 petitioners and the 2nd and 3rd respondents and also by their respective counsel. The petitioners and the 2nd and 3rd respondents were also present in person before this Court and they were identified 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 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 147, 148, 341, 294(b), 323, 324 and 506(ii) 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



Crl.O.P.(MD) No.15210 of 2022

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.21 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.21 of 2016 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.

25.08.2022

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



Crl.O.P.(MD) No.15210 of 2022

WEB COPY

To

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

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.15210 of 2022

V.SIVAGNANAM, J.

ksa

ORDER IN
CRL.O.P (MD) No.15210 of 2022

25.08.2022