



Crl.O.P.(MD) No.15529 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.15529 of 2022

1. Jetsan
2. Joel
3. Shanmugavel
4. Christopher
5. Abhishek

... Petitioners/ Accused No. 1 to 5
Vs

1. The State Represented by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Crime No. 170 of 2022)

... 1st Respondent/Complainant

- 2.Hariprasath

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with Crime No.170 of 2022, on the file of the first respondent police and quash the same.

For Petitioners : Mr.S.Poornachandran

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

For R2 : Mr.S.Vijayakumar



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.170 of 2022, dated 31.07.2022, 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.170 of 2022 for the offence punishable under Sections 147, 294(b), 323, 324, 336, 506(ii) I.P.C and Section 25(1A) Arms Act, 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 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



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respective counsel. The first petitioner is in judicial custody and hence, he could not appear before this Court. Remaining petitioners and the second respondent were also present in person before this Court and they were identified by the learned Government Advocate and Mr.K.Ramamoorthy, SSI, Aruppukottai Town Police Station, Virudhunagar 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 147, 294(b), 323, 324, 336, 506(ii) I.P.C and Section 25(1A) Arms Act.

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.



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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.170 of 2022 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.170 of 2022 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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Note: Issue order copy on 02.09.2022

To

1. The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
2. 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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