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Crl.O.P.(MD) No.15420 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15420 of 2022

1. Rengaraj,
2. Shanmugam,
3. Sentamilselvan @ Senthamilselvan
4. Kalaiselvan,

: Petitioners

Vs

1. The Inspector of Police,
Airport Police Station,
Trichy City.
Crime No.361 of 2021

2. Yesudoss @ Jesudoss,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the FIR in Crime No.361 of 2021 on the file of the first respondent and quash the same as illegal.



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For Petitioners : Mr.Arunraj K,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.M.Silambarasan

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.361 of 2021 on the file of the first respondent.

2.The case of the prosecution is that due to previous enmity, the petitioners blocked the defacto complainant's way and therefore, there was a wordy quarrel between them. Then, the petitioners assaulted him. Hence the complaint.

3.The learned Government Advocate (Crl.Side) submitted that after investigation, the case in Crime No.361/2021 was closed as mistake of fact.

4.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.



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WEB COPY

5.A Joint Memo of Compromise has been filed 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 Mr.S.Arumugan, SSI of Police, Airport Police Station, Trichy City 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.

6.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, 427, 326 and 506(ii) IPC.

7.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.



Crl.O.P.(MD) No.15420 of 2022

WEB COPY

8. 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.361 of 2021 on the file of the first respondent t police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.361 of 2021 on the file of the first respondent, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order.

26.08.2022
(1/2)

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



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To

1. The Inspector of Police,
Airport Police Station,
Trichy City.

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



WEB COPY



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V.SIVAGNANAM, J.

lr

ORDER IN
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(1/2)