



Crl.O.P.(MD) No.15515 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.15515 of 2022

1. Rajesh @ Rajeshkanna
2. Surya
3. Vivek

... Petitioners/ Accused No. 1 to 3
Vs

1. The State Represented by
The Inspector of Police,
Oddanchathram Police Station,
Dindigul District.

... 1st Respondent/Complainant

2. Praveen

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in respect of Crime No.2109 of 2020, on the file of the first respondent and quash the same.

For Petitioners : Mr.D.Venkatesh

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

For R2 : Mr.T.Lenin Kumar



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.2109 of 2020 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.2109 of 2020 for the offence punishable under Sections 294(b) and 323 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 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 petitioners and the second respondent were also present in person before this Court and they were identified by the learned Government Advocate and Mrs.P.Suriyakala, Sub Inspector of Police, Oddanchatram Police Station, Dindigul 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 Section 294(b) and 323 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



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proceedings in Crime No.2109 of 2020 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.2109 of 2020 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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To

1. The Inspector of Police,
Oddanchathram Police Station,
Dindigul 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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