

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.ILANGOVAN**

Crl.O.P.(MD) No.15934 of 2022

1. A.Alexander,

2. Athipathi Raja,

: Petitioners

Vs

1. State represented by  
The Inspector of Police,  
Thallakulam Police Station,  
Madurai District.  
(In Crime No.313/2022)

2. P.Suresh Kannan,

: Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to FIR in Crime No.313/2022, under Sections 341, 294(b), 324, 506(2) of IPC and Section 5 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 registered on 16.4.2022 on the file of the first respondent and quash the same as illegal as against the petitioner/accused.

For Petitioners : Mr.Subathra Devi P,  
For R1 : Mr.B.Nambi Selvan,  
Additional Public Prosecutor  
For R2 : Mr.Vignesh

**ORDER**

This Criminal Original Petition has been filed to quash the FIR in Crime No.313/2022, on the file of the first respondent.

2.The case of the prosecution is that the petitioners stopped the defacto complainant's auto and involved in wordy quarrel. Further, they caused damages to his auto. Hence the complaint.

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 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

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 341, 294(b), 324, 506(2) of IPC and Section 5 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

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 proceedings in Crime No.313/2022, on the file of the first respondent, 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.313/2022, 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.

09.09.2022

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order

LR/PNM

To

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

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

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**G.ILANGO VAN, J.**

LR/PNM

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