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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.12.2022**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.20407 of 2022

1.Suryaprakash

2.Vinith

3.Ramalingam ... Petitioners

Vs.

1.The Inspector of Police,
Gudalur North Police Station,
Gudalur,
Theni District.
(Crime No.102 of 2022)

2.Keerthi

3.Kiran ... Respondents

(R3 is impleaded as per the order of this Court dated 13.12.2022 in Crl.M.P.(MD)No.15503 of 2022 in Crl.O.P(MD)No.20407 of 2022)

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First

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Information Report in Crime No.102 of 2022 on the file of the first respondent police and quash the same as illegal as against the petitioners.

For Petitioners : Mr.K.Anandraj

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For R2 : Mr.K.Arunraj

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the First Information Report in Crime No.102 of 2022 on the file of the first respondent police and quash the same as illegal against the petitioners.

2. The case of the prosecution is that there existed previous enmity between the parties, for which, the petitioners assaulted the second respondent/defacto complainant and threatened him with dire consequences.

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3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint about the incident alleged to have occurred on 01.04.2022 against the petitioners and that FIR came to be registered in Crime No.102 of 2022, for the offences under Sections 294(b), 342, 323, 324 and 506(2) IPC on the file of the first respondent. He would further submit that in that incident, the third respondent, who is the brother of the second respondent, has also sustained injuries.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

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 respondents 2 and 3 were also present in person before this Court and they were identified by Mr.Murugan, Special Sub Inspector, Gudalur North Police Station as well as by the learned counsels appearing for the parties. This

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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 now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 294(b), 342, 323, 324 and 506(2) 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.

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.102 of 2022 pending before the first respondent, even though, the offences involved are not compoundable in nature.

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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.102 of 2022 on the file of the first respondent, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

14.12.2022

Index : Yes / No
Internet : Yes / No
csm

To

1.The Inspector of Police,
Gudalur North Police Station,
Gudalur,
Theni District.

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

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K.MURALI SHANKAR,J.

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Order made in
Crl.O.P.(MD)No.20407 of 2022

Dated: 14.12.2022

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