



*Crl.O.P.(MD)No.21874 of 2022*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

**Crl.O.P.(MD)No.21874 of 2022**

1.Ganesan

2.Gurunathan

3.Poovalingam @ Lingam

4.Johnson Jebakumar

... Petitioners

Vs.

1.The State represented by  
The Inspector of Police,  
Veeravanallur Police Station,  
Tirunelveli District.  
(Crime No.82 of 2019)

2.Suba Adithya Muthurama Boopathi

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.82 of 2019 dated 05.03.2019 for an alleged offence under Sections 294(b), 323 and 506(2) IPC on the file of the first respondent and quash the same as illegal against the petitioners.



*Crl.O.P.(MD)No.21874 of 2022*

For Petitioners : Mr.P.Pratheesh  
For R1 : Mr.M.Muthumanikkam  
Government Advocate (Crl. Side)  
For R2 : Mr.M.Maran

### **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.82 of 2019 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 the petitioners threatened the second respondent/defacto complainant and also assaulted him. Hence, the second respondent has lodged a complaint against the petitioners.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that originally the case was registered on the file of Kallidaikurichi Police Station in Crime No.18 of 2019 against the petitioners and thereafter, the case was transferred to the first respondent police and FIR came to be registered in



*Crl.O.P.(MD)No.21874 of 2022*

Crime No.82 of 2019 dated 05.03.2019 for the offences under Sections 294(b), 323 and 506(2) IPC.

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 second respondent were also present in person before this Court and they were identified by M/s.S.Packia Mary Amutha, Women Head Constable 3049, Veeravanallur Police Station 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 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), 323 and 506(2) IPC.



*Crl.O.P.(MD)No.21874 of 2022*

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 Gujraath*** 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.82 of 2019 pending before the first respondent 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.82 of 2019 on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

**19.12.2022**

Index : Yes / No  
Internet : Yes / No  
csm



*Crl.O.P.(MD)No.21874 of 2022*

To

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- 1.The Inspector of Police,  
Veeravanallur Police Station,  
Tirunelveli District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.O.P.(MD)No.21874 of 2022*

**K.MURALI SHANKAR,J.**

csn

Order made in  
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