



WEB COPY



CrI.O.P.No.32686 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.32686 of 2022

1.M.Manimaran
2.R.Anantha Kumar
3.G.Elangovan
4.E.Thamizharasan
5.K.Vimal Kumar
6.K.Murugan
7.N.Suresh
8.C.Munisamy
9.S.Ajith

... Petitioners

Vs.

1.The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore – Dist.

2.B.Lakshmipathi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.257 of 2022, dated 31.05.2022 on the file of the 1st respondent, Gudiyatham Town Police Station, Guidyatham, Vellore – District and quash the same.

For Petitioners : Mr.S.Santhan

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor



Crl.O.P.No.32686 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the FIR in Crime No.257 of 2022, dated 31.05.2022 on the file of the 1st respondent Police.

2.Gist of the case is that the 2nd respondent sister's daughter Santhiya was given in marriage to one Manivannan 13 years before. After the marriage, there was often wordy quarrel between the husband and wife, the 2nd respondent and his sister used to pacify them. On 26.05.2022, the 2nd respondent's brother Vijayan received a call from Santhiya that his husband Manivannan scolded and attacked her. At about 07.00 p.m., the said Vijayan went to the house of Santhiya, questioned Manivannan about his act, and wordy quarrel arouse, Vijayan attacked Manivannan on his cheek. Enraged over the same, at about 09.00 p.m., Manivannan's brother Manimaran/1st petitioner along with other petitioners came to 2nd respondent's house and started assaulting the 2nd respondent using wooden log and hands. Hearing the shout of the 2nd respondent, nearby residents came there and rescued the 2nd respondent, admitted in the Government Hospital, Gudiyatham. On the complaint of



CrI.O.P.No.32686 of 2022

WEB COPY

the 2nd respondent, a case in Crime No.257 of 2022 registered, for offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC.

3.It is a case in counter. On complaint of the 5th petitioner, a counter case in Crime No.258 of 2022 was registered, for offence under Sections 294(b), 323, 324 and 506(ii) of IPC against the 2nd respondent and his brother Vijayan.

4.Though the petitioners raised very many grounds in this Quash Application to quash the FIR, now the dispute got resolved between the petitioners and the 2nd respondent and a Joint Memo of Compromise signed by both parties along with affidavit signed by the 2nd respondent produced before this Court confirming the compromise.

5.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that a counter was registered against the 2nd respondent and Vijayan in Crime No.258 of 2022. After registration of the above case, presently there is no dispute between the petitioners and the 2nd respondent and now, the issues got resolved between them. He



CrI.O.P.No.32686 of 2022

WEB COPY

further submitted that the Police enquired and verified the compromise between the parties.

6.The petitioners as well as the 2nd respondent are present before this Court and they were identified by Mr.P.Ananthan, Special Sub Inspector of Police attached to the 1st respondent Police Station. The 2nd respondent appeared before this Court, reaffirms the compromise entered with the petitioners and he is not inclined to further pursue the case in Crime No.257 of 2022.

7.Considering the submissions and on perusal of the materials and on enquiry with both petitioners and the 2nd respondent, it is seen that the issue get resolved between them and a Joint Compromise Memo and affidavit filed before this Court.

8.Under such circumstances, no useful purpose will be served in keeping the FIR pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai**



CrI.O.P.No.32686 of 2022

Aahir @ Parbathbhai Vs. State of Gujrath), and after exercising due caution as advised by the Hon'ble Supreme Court in ***The State of Madhya Pradesh v. Dhruv Gurjar and Another*** reported in **(2019) 2 MLJ CrI 10**), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., is inclined to quash the FIR in Crime No.257 of 2022, dated 31.05.2022 on the file of the 1st respondent Police. Quashing the FIR would be right to render justice to the parties.

9.In view of the above, the FIR in Crime No.257 of 2022, dated 31.05.2022 on the file of the 1st respondent Police is hereby quashed. Accordingly, this Criminal Original Petition is allowed.

23.06.2023
($\frac{1}{2}$)

Index: Yes/No
Internet: Yes/No

vv2
To

1.The Inspector of Police,
Gudiyatham Town Police Station,
Gudiyatham, Vellore – Dist.



WEB COPY



Crl.O.P.No.32686 of 2022

M.NIRMAL KUMAR, J.

vv2

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.32686 of 2022

23.06.2023

($\frac{1}{2}$)