



Crl.O.P.(MD)No.179 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.179 of 2023

and

Crl.M.P.(MD)No.2386 of 2023

Prasanna

... Petitioner/
Accused No.1

Vs.

1.The State by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

... 1st Respondent/
Complainant

2.Vijayakumar

... 2nd Respondent/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to FIR in Crime No.26 of 2019 on the file of the first respondent and quash the same.



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For Petitioner : Mr.D.Venkatesh
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.T.Lenin Kumar

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.26 of 2019 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that the second respondent/defacto complainant is working as a Supervisor in Devaki Multi Speciality Hospital, Karaikudi, that on 20.01.2019, the father of the petitioner was admitted in the said hospital and was getting treatment in ICU and on the same day, the petitioner's mother wanted to discharge the petitioner's father against the will of the Doctor and hence, the Doctor advised the second respondent to get the treatment charges from the petitioner and that when the second respondent asked the petitioner to



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pay the medical expenses, the petitioner abused the second respondent in filthy language and also attacked him with hands and thereafter, the petitioner called some of his friends over phone and they also threatened the second respondent with dire consequences.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.26 of 2019 dated 21.01.2019 for the offences under Sections 294(b), 323 and 506(2) IPC against the petitioner and some unnamed persons.

4. The learned counsel appearing for the second respondent would submit that the Director of Devaki Multi Speciality Hospital, Karaikudi has given an authorization letter to the second respondent and he has also produced the authorization letter before this Court.

5. 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.



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6. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by M/s.Boomichellam, Special Sub Inspector, Karaikudi 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.

7. 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.

8. 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.



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K.MURALI SHANKAR,J.

csn

Order made in
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