



Crl.O.P.(MD)No.401 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.401 of 2023

1.Thirukumaran

2.Anandh

... Petitioners

Vs.

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

2.Rasiya Begum

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.357 of 2019 on the file of the respondent police and quash the same.

For Petitioners : Mr.J.Vishnu

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

For R2 : Mr.R.Mohamed Riyaz



Crl.O.P.(MD)No.401 of 2023

WEB COPY

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records pertaining to the FIR in Crime No.357 of 2019 on the file of the respondent police and quash the same.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, due to which, the petitioners abused the defacto complainant in filthy language and threatened her with dire consequences. Hence, she lodged a complaint.

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 before the first respondent and on that basis, FIR came to be registered in Crime No.357 of 2019, dated 24.11.2019 for the offences under Sections 294(b), 506(ii) IPC and Section 4 of TNPHW Act, against the petitioners.



Crl.O.P.(MD)No.401 of 2023

WEB COPY

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 Mr.Thamumun Ansari, SSI, Keelavalavu 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. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 294(b), 506(ii) IPC and Section 4 of TNPHW Act.

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



Crl.O.P.(MD)No.401 of 2023

(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.357 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.357 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.

03.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



WEB COPY



Crl.O.P.(MD)No.401 of 2023

To

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



WEB COPY



Crl.O.P.(MD)No.401 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.401 of 2023

Dated: 03.02.2023