



Crl.O.P.(MD)No.849 of 2023

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.849 of 2023

1. T.Senthamil Vasan,

: Petitioner

Vs

1. The State represented by
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.303 of 2022).

2. Sivakumar,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned FIR Crime No.303 of 2022, on the file of the 1st respondent police and quash the same as illegal.



Crl.O.P.(MD)No.849 of 2023

For Petitioner : Mr.K.Muthukumar
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.S.Boominathan

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.303 of 2022 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that on 10.12.2022, around 09.00 pm the accused person attacked and abused the defacto complainant and his friend. Hence the complaint.

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.303 of 2022 dated



Crl.O.P.(MD)No.849 of 2023

11.12.2022 for the offences under Sections 294(b), 324 and 506(2) against the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is having previous case. He would further submit that he is the defacto complainant cum injured in the case registered in Crime No. 304 of 2022.

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.

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 Mr.T.Sudharsan, SSI, Thiruvattar 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



Crl.O.P.(MD)No.849 of 2023

an amicable settlement between themselves.

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7. In the instant case, it is a family dispute 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), 324 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.

9. 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.303 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.303 of 2022 on the file of



Crl.O.P.(MD)No.849 of 2023

the first respondent police, is quashed and the terms of joint compromise
memo shall form part and parcel of this order.

13.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

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



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Crl.O.P.(MD)No.849 of 2023

K.MURALI SHANKAR,J.

lr

Order made in
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