



Crl.O.P.(MD)No.319 of 2023

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.319 of 2023

1.Chinnaiya @ Chinnaiah
2.Kaliyamoorthy
3.Muthuselvan @ Muthuselvam ... Petitioners

Vs.

1.State through the Inspector of Police,
Sammattividuthi Police Station,
Pudukkottai District.
Crime No.10 of 2020.

2.Revathi
3.Ravichandran ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No.10 of 2020, on the file of the first respondent Police and quash the same.



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For Petitioners : Mr.D.Rameshkumar

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

For R2 : Mr.P.Balasubramanian

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records relating to the FIR in Crime No.10 of 2020, on the file of the first respondent Police and quash the same.

2. The case of the prosecution is that the petitioners said to have compelled the defacto complainant to cast her vote to one particular person and the same was denied by her, as a result of which, the petitioners assaulted the defacto complainant and her husband. Hence, the complaint.



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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.10 of 2020, dated 14.01.2020 for the offences under Sections 294(b), 324, 354 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, against the petitioner.

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 petitioner 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.S.Nagarajan, Special Sub-Inspector of Police, Sammattividuthi Police Station, as well as by the learned counsels



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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), 324, 354 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women 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 ***(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.10 of 2020, pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and

as a sequel, the proceedings in Crime No.10 of 2020 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

To

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



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K.MURALI SHANKAR,J.

das

Order made in
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