



Crl.O.P.(MD)No.662 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.662 of 2023

1.Jainkumar

2.Abin

3.Mithun

4.Ratheesh

... Petitioners

Vs.

1.State rep. by the Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Crime No.480 of 2021.

2.Prabu

... 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.480 of 2021 on the file of the respondent Police and quash the same.

For Petitioners : Mr.R.Russel Raj,

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

For R2 : Mr.S.Ramakrishnan,



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ORDER

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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.480 of 2021 on the file of the respondent Police and quash the same.

2. The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant in filthy language and also attacked him with iron rod and caused injuries. Hence the 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 given this false complaint against the petitioner before the first respondent and on that basis, FIR came to be registered in Crime No.480 of 2021, dated 20.12.2022 for the offences under Sections 294(b), 323, 324 and 506(ii) IPC.

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.



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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 petitioner and the second respondent were also present in person before this Court and they were identified by Mr.K.Mylappan, Trg SI, Karungal Police Station, Kanyakumari, 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), 323, 324 and 506(ii) IPC.

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.



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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.480 of 2021, 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.480 of 2021 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.

09.02.2023

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

- 1.The Inspector of Police,
Karungal Police Station,
Kanyakumari 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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