



Crl.O.P.(MD)No.951 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.951 of 2023

1.Arivu Kannan

2.Ramasamy

3.Valaikalliamman

4.Aandiyammal @ Ananathi

5.Perumaye

... Petitioners/
Accused No.1
to 4 & 6

Vs.

1.State represented by
The Inspector of Police,
Vada Madurai Police Station,
Dindigul District.
(Crime No.57 of 2013)

... 1st Respondent/
Complainant

2.Rajeshwari

... 2nd Respondent/
Defacto
Complainant



Crl.O.P.(MD)No.951 of 2023

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of FIR in Crime No.57 of 2013 on the file of the first respondent and to quash the same.

For Petitioners : Mr.B.Santhanam Rajesh Kumar
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.S.Sathya Chidhambaram

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.57 of 2013 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's husband, who is the son of the fifth petitioner herein, met with an accident on 06.01.2012 and he died. After that, the accused persons had not handed over the jewels and money, which belongs to the second respondent and when the same was questioned by the second respondent, the accused persons had threatened her with dire consequences.



Crl.O.P.(MD)No.951 of 2023

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.57 of 2013 dated 28.02.2013 for the offences under Sections 420, 406, 453 and 506(1) IPC against six persons including the petitioners herein.

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 the concerned police 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.



Crl.O.P.(MD)No.951 of 2023

WEB COPY

6. 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 420, 406, 453 and 506(1) 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.

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.57 of 2013 as against the petitioners 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.57 of 2013 as against the



Crl.O.P.(MD)No.951 of 2023

petitioners 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.

24.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

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



WEB COPY



Crl.O.P.(MD)No.951 of 2023

G.ILANGO VAN,J.

csn

Order made in
Crl.O.P.(MD)No.951 of 2023

Dated: 24.02.2023