



Crl.O.P.(MD)No.1372 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.Vijay

2.Ajith @ Ajith Kumar

3.Karmegam

4.Jothi Lakshmi

... Petitioners

Vs.

1.The State represented by its
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
Crime No.75 of 2018.

2.Panchavarnam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in Crime No.75 of 2018 on the file of the first respondent police and quash the same.

For Petitioners : Mr.A.Uthayakumar,



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

For R2 : Mr.K.Ganeshkumar

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.75 of 2018 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that there was a money dispute between the petitioners and the defacto complainant, due to which, the petitioners abused the defacto complainant in filthy language and also attacked her. 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.75 of 2018, dated 01.05.2018 for the offences under Sections 294(b), 323, 324, 506(i) IPC



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and Section 4 of TN Prohibition of Harassment of Women Act, 2002
against the petitioners.

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. The learned counsel for the petitioners would submit that they are not pressing the petition in respect of the first petitioner/A1 alone and he has made an endorsement to that effect.

6. Recording the same, this Criminal Original Petition is dismissed as not pressed in respect of the first petitioner concerned.

7. 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.P.Ramamoorthy, SSI, Uchipuli Police Station as well as



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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.

8. 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), 323, 324, 506(i) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

9. 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 Gujraath*** reported in ***(2017)9 SCC 641*** were taken into consideration.

10. 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.75 of 2018 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.75 of 2018 on the file of the first respondent police, is quashed in respect of the petitioners 2 to 4 alone and the terms of joint compromise memo shall form part and parcel of this order.

31.01.2023

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

To

- 1.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram 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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