



Crl.O.P.(MD)No.13706 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	24.08.2023
Delivered on	29.08.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.13706 of 2023

1.Salmankhan
2.Imrankhan
3.Anwar

... Petitioners

Vs.

1. The State represented by the
Inspector of Police,
Jaihindpuram Police Station,
Madurai District.
Crime No.107 of 2019.

... Respondent/Complainant

2. Shekthatha

... Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to Crime No. 235 of 2021 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.S.Poornachandran



Crl.O.P.(MD)No.13706 of 2023

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)
for R1
Mr.Chandrasekar for R2

ORDER

This Criminal Original Petition has been filed seeking quashment of First Information Report (FIR) in Crime No.235 of 2021 on the file of the first respondent police.

2. It is the case of the petitioner/accused 1 to 3 that the first petitioner is the husband of one Thaslima Nasreen who is the daughter of the second respondent/defacto complainant. On account of family disputes there was a petty quarrel during which the petitioner/accused 1 to 3 allegedly abused the second respondent/defacto complainant. On a complaint given by the defacto complainant, a case was registered against the petitioners/accused in Crime No.235 of 2021 for the offences punishable under Sections 294(b), 323 and 506(i) of IPC.

3. It is further submitted by the learned counsel for the petitioners/accused and the second respondent/defacto complainant that



CrI.O.P.(MD)No.13706 of 2023

the parties have compromised the disputes between them amicably before the High Court Legal Services Committee attached to this Court and settlement agreement was also signed by the parties and also by their respective counsel and hence sought for recording of compromise and quash the FIR.

4. Hon'ble Supreme Court in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***2017 (9) SCC 641***, has held as follows:-

“(1) Section 482 Cr.P.C. preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

(2) The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 Cr.P.C. The power to quash under Section 482 is attracted even if the offence is non-compoundable.”



Crl.O.P.(MD)No.13706 of 2023

WEB COPY

5. As per the directions of this Court, the High Court Legal Services Committee attached to this Court was asked to verify the identities of the defacto complainant and also the accused with reference to their identity cards like Aadhar Card etc. and also make an informal inquiry as to whether the defacto complainant has been accepting with the compromise voluntarily without any force or coercion. Accordingly, the Officer incharge of the High Court Legal Services Committee/ Registrar (Judicial) has examined the defacto complainant and accused persons and ultimately, sent a report that their identities were verified.

6. This case is registered in regard to the dispute arose between the members belong to the same family and that now they are having cordial relationship between them. It is submitted by the learned counsel for the petitioners that due to the family disputes altercation took place and FIR has been registered. It is stated by the learned counsel for the petitioner that the parties are having cordial relationship between them. Therefore, this Court is of the opinion that in order to make the complete justice, the



Crl.O.P.(MD)No.13706 of 2023

compromise between the petitioners/accused and the second respondent/defacto complainant can be recorded.

7. Considering the above, since the settlement arrived between the parties, this Court is of the opinion that no useful purpose would be served by keeping the matter pending thereby inclined to quash all further proceedings in Crime No.235 of 2021 pending on the file of the first respondent police.

8. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.235 of 2021 pending on the file of the first respondent police are hereby quashed. The settlement agreement is recorded and the same shall form part of this order.

29.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN



Crl.O.P.(MD)No.13706 of 2023

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



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Crl.O.P.(MD)No.13706 of 2023

DR.D.NAGARJUN,J

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Crl.O.P.(MD)No.13706 of 2023

Dated: 29.08.2023