



Crl.O.P.(MD)No.18494 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:12.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.18494 of 2022

1. V.Masilamani

2. S.Ganesh Kumar

3. J.Marsalinbarnabass

...Petitioners/Accused Nos.1 to 3

-VS-

1.State, represented by its
The Inspector of Police,
Kumaragiri,
Pudukkottai,
Thoothukkudi,
Tamil Nadu – 628 103.

... 1st Respondent / Complainant

2.Raja

... 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned F.I.R. In Crime No.571 of 2020 dated 15.11.2020 on the file of the 1st respondent Police and quash the same as illegal.



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For Petitioners : Mr. R.Rajeshkumar
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr. R.Siddhathan

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.571 of 2022 on the file of the first respondent Police and quash the same as illegal.

2. The case of the prosecution is that on 14.11.2020 the accused persons came to the second respondent's house and knocked on the door. The second respondent opened the door and men armed with knives threatened the second respondent and his son to get into the car. When his wife and daughter who were in the house were screaming, they were threatened to take second respondent's daughter away with us if they dont get in the car and threatened them with inappropriate words and also the accused assaulted the second respondent and her children. Hence, he lodged a 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 about the incident alleged to have occurred on 14.11.2022 against the petitioners and that FIR came to be registered in Crime No.571 of 2022, for the offences under Sections 294(b), 323, 363 and 506(2) IPC on the file of the first respondent Police.

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 petitioner and the second respondent were also present in person before this Court and they were identified the first respondent Police as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and



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was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, 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, 363 and 506(2) 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 Gujraath* 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.571 of 2022 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.571 of 2022 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.

12.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Indu

To

- 1.The Inspector of Police,
Kumaragiri,
Pudukkottai,
Thoothukkudi,
Tamil Nadu – 628 103.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

Indu

Order made in
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