



Crl.O.P.(MD)No.21447 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21447 of 2022

1.Munishwaran

2.Arumugam

3.Murugesan

4.Balasundar

5.Yogeswaran

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(Crime No.180 of 2019)

2.Karthika

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.180 of 2019 on the file of the first respondent and quash the same.



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For Petitioners : Mr.S.Pugalendhi
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.A.Balakrishnan

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.180 of 2019 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that due to previous enmity, on 02.07.2019 at about 05.00 p.m., the petitioners attacked the second respondent/defacto complainant and one Sathya Bhagavan with deadly weapons and threatened them with dire consequences.

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.180 of 2019 dated



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02.07.2019 for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 against the petitioners. He would further submit that one of the injured Sathya Bhagavan was reported dead in the year 2022.

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 Government Advocate (Criminal Side) appearing for the first respondent would submit that the fifth petitioner was a juvenile on the date of the alleged occurrence and hence, charge sheet has been filed before the concerned Juvenile Justice Board and the same was taken on file in J.C.No.100 of 2020 on the file of the Juvenile Court, Sivagangai.

6. 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



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identified by Mr.S.Lingadurai, Special Sub Inspector, Elayangudi Police Station 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.

7. In the instant case, the dispute is of personal in nature 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 147, 148, 294(b), 323, 324 and 506(2) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

8. 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.

9. 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.180 of 2019 pending before the



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first respondent police pending against the petitioners 1 to 4 and the proceedings in J.C.No.100 of 2020 pending before the Juvenile Court, Sivagangai against the fifth petitioner, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.180 of 2019 pending against the petitioners 1 to 4 on the file of the first respondent police and the proceedings in J.C.No.100 of 2020 pending against the fifth petitioner on the file of the Juvenile Court, Sivagangai, are quashed and the terms of joint compromise memo shall form part and parcel of this order.

06.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

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To

- 1.The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
- 2.The Juvenile Court,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.21447 of 2022

Dated: 06.02.2023