



Crl.O.P.(MD)No.22337 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22337 of 2022

1.Ali Batcha

2.Mansur Ali

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Aravakuruchi Police Station,
Karur District.
(Crime No.381 of 2022)

2.P.Manikandan

3.M.Kavin @ Kavinkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to Crime No. 381 of 2022 on the file of the Inspector of Police, Aravakuruchi Police Station, Karur District and quash the same.



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For Petitioners : Mr.T.Balakrishnan
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 & R3 : Mr.R.Mathiyalagan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to Crime No.381 of 2022 on the file of the first respondent and quash the same.

2. The case of the prosecution is that on 14.11.2022, a TATA Ace vehicle, which was driven by the second respondent, dashed against the first petitioner's auto, due to that, a wordy quarrel arose between them and thereafter, the petitioners assaulted the respondents 2 and 3 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.381 of 2022 dated



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14.11.2022 for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC against the petitioners and some other accused.

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 respondents 2 and 3 and also by their respective counsel. The petitioners and the respondents 2 and 3 were also present in person before this Court and they were identified by Mr.R.Panneer Selvam, Head Constable 1170, Aravakuruchi Police Station, Karur District 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.

6. 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.



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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.381 of 2022 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.381 of 2022 on the file of the first respondent police, is quashed as against the petitioners and the terms of joint compromise memo shall form part and parcel of this order.

09.01.2023

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



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



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K.MURALI SHANKAR,J.

csn

Order made in
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