



Crl.O.P.(MD)No.22240 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22240 of 2022

1.C.Mookkaian

2.M.Ajithkumar

... Petitioners

(Second petitioner is impleaded as per order of the Court dated 10.02.2023 in Crl.M.P.(MD)No.2190 of 2023 in Crl.O.P(MD)No.22240 of 2022)

Vs.

1.State represented by the Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.357 of 2022.

2.Srinivasan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pursuant to the proceedings in the impugned FIR in Crime No.357 of 2022, dated 12.11.2022 on the file of the first respondent and quash the same.



Crl.O.P.(MD)No.22240 of 2022

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

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records pursuant to the proceedings in the impugned FIR in Crime No.357 of 2022, dated 12.11.2022 on the file of the first respondent and quash the same.

2. The case of the prosecution is that the on 11.11.2022, when the defacto complainant's cousin sister went to the paint shop, which is run by her husband's brother, the petitioner came there and misbehaved with her that when the same was questioned by the defacto complainant, the petitioners abused the defacto complainant and his family members in filthy language and also attacked them. Hence, the complaint.



Crl.O.P.(MD)No.22240 of 2022

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.357 of 2022 dated 12.11.2022 for the offences under Sections 147, 148, 294(b), 323, 324, 307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 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. 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.R.Sasikumar, SSI, Othakadai 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



Crl.O.P.(MD)No.22240 of 2022

an amicable settlement between themselves.

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6. 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, 307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

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.257 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



Crl.O.P.(MD)No.22240 of 2022

as a sequel, the proceedings in Crime No.357 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.

27.02.2023

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

To

- 1.The Inspector of Police,
Othakadai 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.22240 of 2022

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.22240 of 2022

Dated: 27.02.2023