



Crl.O.P.(MD)No.22245 of 2022

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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.22245 of 2022

1.Udhayakumar

2.M.Srinivasan

3.Thamaraikannan

4.Rajakumari

5.Vijaya

6.Radhakrishnan

... Petitioners

(Petitioners 2 to 6 are impleaded as per order of the Court dated 08.02.2023 in Crl.M.P.(MD)No.2191 of 2023 in Crl.O.P(MD)No.22245 of 2022)

Vs.

1.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Madurai District.

2.State represented by the Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.356 of 2022.

3.Mookkaian

... Respondents

1/6



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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.356 of 2022, dated 12.11.2022 on the file of the first respondent and quash the same.

For Petitioners : Mr.P.Subathra Devi,
For R1 and R2 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R3 : Mr.M.Iniyavan

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.356 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 on 11.11.2022, when the fourth petitioner went to the paint shop, which is run by her husband's brother, the third respondent came there and misbehaved with her, due to which, there arose some dispute arose between the petitioners and the



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defacto complainant, the petitioners abused the defacto complainant.

Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.356 of 2022 dated 12.11.2022 for the offences under Sections 147, 148, 294(b), 323, 324 IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, amendment Act 2015, 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 third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by



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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 an amicable settlement between themselves.

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 IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, amendment Act 2015.

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.356 of 2022 pending before the second 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.356 of 2022 on the file of the second 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 Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Othakadai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.22245 of 2022

Dated: 27.02.2023