



*Crl.O.P.(MD)No.22364 of 2022*

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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.22364 of 2022**

**and**

**Crl.M.P.(MD)No.15807 of 2022**

- 1.Kannayiram
  - 2.Pasavu @ Parasuraman
  - 3.Sudhan @ Hariharasudhan  
represented by the first petitioner  
as his natural guardian/father
  - 4.Sonai @ Sonaimuthu
  - 5.Dravida Mani  
represented by the fourth petitioner  
as his natural guardian/father
  - 6.Seeman  
represented by his father Dharmalingam
- ... Petitioners

Vs.

- 1.The Deputy Superintendent of Police,  
Thiruchuli,  
Virudhunagar District.



*Crl.O.P.(MD)No.22364 of 2022*

2.The Inspector of Police,  
Narikudi Police Station,  
Virudhunagar District.  
(Crime No.113 of 2022)

3.Bagavath Singh

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Crime No.113 of 2022 on the file of the second respondent dated 05.10.2022 against these petitioners and quash the same.

For Petitioners : M/s.A.S.Rajeswari

For R1 & R2 : Mr.M.Muthumanikkam  
Government Advocate (Crl. Side)

For R3 : M/s.A.Kanchammal

### **ORDER**

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the Crime No.113 of 2022 on the file of the second respondent dated 05.10.2022 against the petitioners and quash the same.

2. The case of the prosecution is that due to some dispute, the petitioners attacked the third respondent/defacto complainant by using iron pipe, abused him in filthy language and also used communal words.



*Crl.O.P.(MD)No.22364 of 2022*

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.113 of 2022 dated 05.10.2022 for the offences under Sections 147, 148, 294(b), 323 and 324 IPC and Sections 3(l)(r) and 3(l)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that after initial investigation, the case was altered and the provisions of the SC/ST Act were deleted.

5. 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.

6. 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



*Crl.O.P.(MD)No.22364 of 2022*

were also present in person before this Court and they were identified by M/s.C.Samila Begum, Training Sub Inspector, Narikudi 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 and 324 IPC.

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.113 of 2022 pending before the



*Crl.O.P.(MD)No.22364 of 2022*

second respondent police, 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.113 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. Consequently, connected Miscellaneous Petition is closed.

**09.01.2023**

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

To

- 1.The Deputy Superintendent of Police,  
Thiruchuli,  
Virudhunagar District.
- 2.The Inspector of Police,  
Narikudi Police Station,  
Virudhunagar District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.O.P.(MD)No.22364 of 2022*

**K.MURALI SHANKAR,J.**

csn

Order made in  
**Crl.O.P.(MD)No.22364 of 2022**

Dated: 09.01.2023