



Crl.O.P.(MD)No.22369 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22369 of 2022

1.Battani Miran @ Pattani Meeran Kappa

2.Ubaithullah @ Upaiyathulla

3.Sakubar Ali

4.Katha Pasutheen

5.Sheik Abthulla

6.Mohamed Haithan @ Haithan

7.Bysal Khan @ Fiasal

8.Mohamed Nowful @ Navful

9.Mohamed Asik @ Asick

... Petitioners

Vs.

1.The Inspector of Police,
R.S. Mangalam Police Station,
R.S.Mangalam,
Ramanathapuram District.
Crime No.163 of 2022.

2.Mohamed Seeni Pulavan

... Respondents



Crl.O.P.(MD)No.22369 of 2022

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No.163 of 2022 on the file of the first respondent Police and to quash the same.

For Petitioners : Mr.N.Pragalathan,

For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
for R1.

: Mr.K.Muthu Rakkan, for R2.

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.163 of 2022 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that on 23.05.2022, the name board and wooden chopping board in the shop of the second respondent, were stolen by unknown persons. With regard to the same, there existed



Crl.O.P.(MD)No.22369 of 2022

disputes between the petitioners and the defacto complainant and the petitioners attacked the defacto complainant. Hence, he lodged a complaint.

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.163 of 2022 dated 27.05.2022 for the offences under Sections 147, 148, 294(b), 323, 324 IPC 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



Crl.O.P.(MD)No.22369 of 2022

identified by Mr.S.Paranjothi, Head Constable 325, R.S.Mangalam 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.

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.163 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



WEB COPY



Crl.O.P.(MD)No.22369 of 2022

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.163 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.

11.01.2023

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

To

- 1.The Inspector of Police,
R.S. Mangalam Police Station,
R.S.Mangalam,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.22369 of 2022

K.MURALI SHANKAR,J.

das

Order made in
CrI.O.P.(MD)No.22369 of 2022

Dated: 11.01.2023