



Crl.O.P.(MD)No.22568 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:12.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22568 of 2022

Chandrasekar

...Petitioner / Sole Accused

-VS-

1.The Inspector of Police,
Sellur Police Station,
Madurai City.
Crime No.1205 of 2022

... 1st Respondent / Complainant

2.Kannan @ Kannarajan Ayiram

... 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the F.I.R. In Crime No.1205 of 2022 dated 28.11.2020 on the file of the 1st respondent Police and quash the same as illegal.



Crl.O.P.(MD)No.22568 of 2022

For Petitioner : Mr. R.Gandhi
For R1 : Mr. M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr. J.Peer Mohammed

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.1205 of 2022 on the file of the first respondent Police and quash the same as illegal.

2. The case of the prosecution is that the second respondent has given a complaint before the first respondent Police against the petitioner alleging that he has been working in crematorium arring final rites of deceased at Thathaneri electric graveyard for the past three years. There is clash between the second respondent and contractors of Thathaneri electric grave yard and on 27.11.2022, the petitioner have abused the second respondent in filthy language and attacked him with iron road, thereby the second respondent sustained injuries. Hence, he lodged a complaint.



Crl.O.P.(MD)No.22568 of 2022

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint about the incident alleged to have occurred on 27.11.2022 against the petitioner and that FIR came to be registered in Crime No.1205 of 2022, for the offences under Sections 294(b), 324 and 506(2) IPC on the file of the first respondent Police.

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 petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified the first respondent Police 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.



Crl.O.P.(MD)No.22568 of 2022

WEB COPY

6. In the instant case, 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 294(b), 324 and 506(2) 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 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.1205 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.1205 of 2022 on the file of the first respondent police, is quashed and the terms of joint compromise



Crl.O.P.(MD)No.22568 of 2022

memo shall form part and parcel of this order.

WEB COPY

12.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Indu

To

- 1.The Inspector of Police,
Sellur Police Station,
Madurai City.
Crime No.1205 of 2022
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.22568 of 2022

K.MURALI SHANKAR,J.

Indu

Order made in
Crl.O.P.(MD)No.22568 of 2022

Dated:12.01.2023