



Crl.O.P.(MD)No.23100 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.23100 of 2022

- 1.Jeyaraj
- 2.Murali
- 3.Kumar @ Gold Kumar
- 4.Kannan
- 5.Vairaperumal
- 6.Saravanan
- 7.Thangaraj @ Thangarasu
- 8.Saravanan
- 9.Mahalingam
- 10.Manikandan
- 11.Muthukaruppan
- 12.Nadaraj @ Natarajan
- 13.Murugesan

... Petitioners

Vs.

- 1.The Inspector of Police,
Thottiyam Police Station,
Thottiyam, Trichy District.
Crime No.355 of 2021.



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2.Kannan

3.Kumaravel

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the first information report in Crime No.355 of 2021 on the file of the first respondent Police and quash the same as illegal as against the petitioners/A1 to A13.

For Petitioners : Mr.K.Arunraj,

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

For R2 & R3 : Mr.Anandraj,

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.355 of 2021 on the file of the first respondent Police and quash the same as illegal as against the petitioners/A1 to A13.



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2. The case of the prosecution is that there existed dispute between the parties with regard to the Diwali celebration and bursting crackers, due to which, the petitioners assaulted the defacto complainant and his father and also threatened them with dire consequences. Hence, the 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.355 of 2021, dated 04.11.2021 for the offences under Sections 147, 148, 294(b), 324, 336 and 506(ii) 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.



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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 and third respondents were also present in person before this Court and they were identified by Mr.Jeyamurugan, Grade-I 228, Thottiyam 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), 324, 336 and 506(ii) 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



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in keeping the proceedings in Crime No.355 of 2021 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.355 of 2021 on the file of the first respondent police, is quashed as against the petitioners and the terms of joint compromise memo shall form part and parcel of this order.

24.01.2023

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

To

- 1.The Inspector of Police,
Thottiyam Police Station,
Thottiyam, Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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