



Crl.O.P.(MD)No.346 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.346 of 2023

1.Arun @ Arun Rajesh Kumar

2.Sundarraaj

3.Parthiban

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.

2.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.525 of 2022.

3.Ganesh

4.Arumugam

5.Ramesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No.525 of 2022, on the file of the second respondent Police and quash the same as against the petitioners.



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For Petitioners : Mr.R.Pon Karthikeyan,

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

For R3 to R5 : Mr.A.Mohan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records relating to the FIR in Crime No.525 of 2022, on the file of the second respondent Police and quash the same as against the petitioners.

2. The case of the prosecution is that there existed money transaction dispute between the parties, due to which, the petitioners abused the defacto complainant in filthy language and using his caste name and also assaulted them. 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.525 of 2022, dated



15.09.2022 for the offences under Sections 294(b), 323, 506(ii) IPC r/w3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) 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 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 by Mr.K.Thangamariappan, West Police Station, Kovilpatti 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 294(b), 323, 506(ii) IPC r/w3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015.



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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.525 of 2022, pending before the second 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.525 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.

03.02.2023

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



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To

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- 1.The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.
- 2.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi 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.346 of 2023

Dated: 03.02.2023