



Crl.O.P.(MD)No.899 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.899 of 2024

1. C.Tamilvendan,

2. M.Maharasi,

... Petitioners

Vs

State represented by

1. The Inspector of Police,
Town North Police Station,
Dindigul Town,
Dindigul District.
(Crime No.169 of 2023).

2. Dominic Irudhaya Raj,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case registered in First Information Report in Crime No.169/2023, on the file of the first respondent and quash the same so far as the against the petitioner as illegal.

For Petitioners : Mr.A.Sheik Nasurdeen

For R1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.side)

For R2 : Mr.B.Arun



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ORDER

The petitioners are accused in Crime No.169 of 2023 on the file of the first respondent Police Station, which was registered for the offence under Sections 294(b), 323, 427, 448, 506(1) and 506(2) IPC. They have filed this petition to quash the proceedings pending against them.

2.The case in Crime No.169 of 2023 was registered based on the complaint given by the second respondent on 06.04.2023 alleging that, there was a wordy altercation between the petitioners and the defacto complainant during the purchase of mobile phone. In the scuffle, the accused has attacked the second respondent with hands, damaged the things in the second respondent's shop and gave life threat. Hence the complaint.

3.The petitioners and the defacto complainant are present before this Court and they have stated that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 22.12.2023 signed by both the parties, is also filed before this Court, praying to quash the proceedings.



4.The learned Government Advocate (CrI.Side) submits that in this case, after investigation, final report was already filed before the concerned Court.

5.Before entertaining this application on the ground of compromise, this court has directed the investigation officer in Crime No.169 of 2023 to personally verify with the defacto complainant and to ascertain whether the compromise is voluntary one, without any threat or coercion. The investigating officer, after due verification, has filed a report as under:

This is to certify that, as directed by this Court in CrI.O.P.(MD)No.899 of 2024, I personally verified the defacto complainant in Cr.No.169 of 2023, for the offence under Sections 294(b), 323, 427, 448, 506(1) and 506(2) IPC. and ascertained that the compromise arrived between the accused and the defacto complainant/victims in the above case is voluntary, without any threat or coercion.

I further clarify that there are no other victims in this case, except the victims appeared before this Hon'ble Court today.

6.The parties are present. This Court has verified the parties with their Aadhaar cards and also verified as to the present status. The defacto complainant has expressed his willingness to solve the issue. Since the parties



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have reached a settlement, the continuance of legal proceedings would serve no purpose. The conflict is between the private individuals and it is not affecting the society at large.

7. Under such circumstances and in the light of the guidelines issued by the Hon'ble Supreme Court reported in **2017 9 SCC 641 - (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in the **State of Madhya Pradesh Vs. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court, in exercise of its jurisdiction under Section 482 Cr.P.C, is inclined to quash the FIR in Crime No.140 of 2022, on the file of the first respondent police, though certain offence are non-compoundable, in order to avoid further conflict between the parties.

8. Accordingly, by recording the joint compromise memo, dated 22.12.2023, this criminal original petition is allowed and the case in Crime No.169 of 2023 pending on the file of the first respondent is hereby quashed. The joint compromise memo, dated 22.12.2023, shall form part and parcel of this order.



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9.Considering the energy and time spent by the respondent police during the course of investigation, the petitioners are directed to pay a sum of Rs.20,000/- (each) to the respondent police station.

08.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
LR



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B.PUGALENDHI,J

LR

To

1. The Inspector of Police,
Town North Police Station,
Dindigul Town,
Dindigul District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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