



Crl.O.P.(MD)No.2370 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.2370 of 2024

1. Rajan,

2. Alwin,

... Petitioners

Vs

State represented by

1. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Crime No.358 of 2023.

2. Ramesh,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in Crime No. 358 of 2023 dated 11.12.2023 on the file of the first respondent and quash the same as illegal.



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For Petitioners : Mr.S.Krishnan
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)
For R2 : Mr.MSilamarasan

ORDER

The petitioners are accused in Crime No.358 of 2023 on the file of the first respondent Police Station, which was registered for the offence under Sections 294(b), 323 and 506(1) IPC. They have filed this petition to quash the proceedings pending against them.

2.The case of the prosecution is that the second respondent is a supervisor in a TASMAL. On 09.12.2023, the petitioners quarrelled with the second respondent herein, for not supplying them side-dish and liquor and abused him with filthy language. The petitioners also slapped the defacto complainant with their hands and threatened him with dire consequences. 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 02.02.2024 signed



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by both the parties, is also filed before this Court, praying to quash the proceedings.

4.Before entertaining this application on the ground of compromise, this court has directed the investigation officer in Crime No. 358 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 Cr.L.O.P.(MD)No.2370 of 2024, I personally verified the defacto complainant in Cr.No.358 of 2023, for the offence under Sections 294(b), 323 and 506(1) 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.

5.The parties are present. This Court has verified the parties with their

<https://www.mhc.tn.gov.in/> Aadhaar cards and also verified as to the present status. The defacto



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complainant has expressed his willingness to solve the issue. Since the parties 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.

6.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.358 of 2023, on the file of the first respondent police, though certain offence are non-compoundable, in order to avoid further conflict between the parties.

7.Accordingly, by recording the compromise memo, dated 02.02.2024, this criminal original petition is allowed and the case in Crime No.358 of 2023 pending on the file of the first respondent is hereby quashed. The joint compromise memo, dated 02.02.2024, shall form part and parcel of this order.

8.Considering the energy and time spent by the respondent police



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during the course of investigation, the petitioners are directed to pay a sum of
Rs.10,000 (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,
Kottar Police Station,
Kanyakumari District.

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

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