



Crl.O.P.(MD)No.3213 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.3213 of 2024

1.P.Pradhap

2.M.Gopinath

... Petitioners

Vs.

1.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk, Madurai District.

2.R.Arun

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of FIR in Crime No.27 of 2024 U/s 341, 294(b), 323, 324 and 506(2) IPC on the file of Keelavalavu Police Station, Melur Taluk, Madurai District and quash the same as devoid of merits against the petitioners.

For Petitioner

: Mr.S.Atham Ali

For R1

: Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

For R2

: Mr.I.Kalantar Aasik Ahamedu



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ORDER

The petitioners are accused in Crime No.27 of 2024 on the file of the first respondent Police Station, which was registered for the offence under Sections 341, 294(b), 323, 324 and 506(2) IPC. They have filed this petition to quash the proceedings against them.

2.The petitioners/accused and the defacto complainant are belong to the same area. The case of the prosecution is that due to previous enmity, the accused persons abused the defacto complainant in filthy language and also attacked him. Hence, the case.

3.The petitioners and the defacto complainant are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 04.03.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.27 of 2024 to personally verify with the defacto complainant and to ascertain whether the compromise is a voluntary one, without any threat or coercion. The investigating officer, after due verification, has filed a report as under:



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This is to certify that, as directed by this Court in CrI.O.P.(MD)No.3213 of 2024, I personally verified the defacto complainant in Cr.No.27 of 2024 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 Aadhaar cards and also verified the present status. The defacto complainant has expressed his willingness to solve the issue. Since the parties have reached settlement, the continuance of legal proceedings would serve no purpose. Moreover, the conflict is between the private individuals and it is not affecting the society at large.

6.In view of the above development and in the light of the guidelines issued by the Hon'ble Supreme Court in a case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***2017 9 SCC 641***, and after exercising due caution as advised by the Hon'ble Supreme Court in ***The State of Madhya Pradesh v. Dhruv Gurjar and Another*** reported in ***(2019) 2 MLJ***



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CrI 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the First Information Report in Crime No.27 of 2024 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 04.03.2024 this criminal original petition is allowed and the case in crime No.27 of 2024 pending on the file of the first respondent is hereby quashed. The joint compromise memo dated 04.03.2024 shall form part and parcel of this order.

01.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To

- 1.The Inspector of Police,
Keelavalavu Police Station,
Melur Taluk, Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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