



Crl.O.P.(MD)No.3970 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3970 of 2024

Thangaraj

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
(Crime No.1162 of 2021)

2.Sachidhanantham

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned FIR in Crime No.1162 of 2021 dated 01.11.2021 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.M.Sridharan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R2 : Mr.S.Kishore Kumar



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ORDER

The Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to quash the FIR in Crime No.1162 of 2021 dated 01.11.2021 pending on the file of the first respondent.

2. The case of the prosecution is that there existed temple dispute between the parties and that on 30.10.2021, the first accused along with the petitioner had trespassed into the temple and abused the second respondent in filthy language and also threatened him with dire consequences. Hence, the second respondent lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.1162 of 2021 dated 01.11.2021 for the offences under Sections 147, 148, 447, 294(b) and 506(2) IPC against two named persons including the petitioner and five unknown persons. He would further submit that the first accused was reported dead.



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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 dated 08.03.2024 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.C.Sundarrajan, Special Sub Inspector, Oddanchathiram 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. In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 147, 148, 447, 294(b) and 506(2) IPC.



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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 Gujraath* 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.1162 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.1162 of 2021 on the file of the first respondent police, is quashed as against the petitioner and the terms of joint compromise memo dated 08.03.2024 shall form part and parcel of this order.

19.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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WEB COPY To

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



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.3970 of 2024

Dated: 19.09.2024