



CrI.O.P.(MD)No.4212 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

CrI.O.P.(MD)No.4212 of 2024

1. Saravanan,
2. Saraswathi,

... Petitioners

Vs

1. The Inspector of Police,
Jayamangalam Police Station,
Theni District.
Crime No.43/2024.

2. Rasathi @ Rajathi,

. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.43/2024 dated 25.02.2024 on the file of the first respondent Police and quash the same as illegal.

For Petitioners : Mr.S.Vikram

For R1 : Mr.M.Sakthi Kumar
Government Advocate(CrI.side)

For R2 : Mr.S.Mandhira Lingeswaran



ORDER

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The petitioners are accused in Crime No.43 of 2024 on the file of the first respondent Police Station, which was registered for the offence under Sections 294(b), 323, 324 and 506(2) IPC. They have filed this petition to quash the proceedings pending against them.

2.The petitioners / accused and the defacto complainant belong to the same village. The case in Crime No.43 of 2024 was registered based on the complaint given by the second respondent on 25.02.2024, due to previous enmity, the petitioners attacked the defacto complainant, abused her using filthy language and threatened her with dire consequences.

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 16.03.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this court has also directed the investigation officer in Crime No.43 of 2024 to personally verify with the defacto complainant and to ascertain whether the

<https://www.mhc.tn.gov.in/> compromise is voluntary one, without any threat or coercion. The



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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.4212 of 2024, I personally verified the defacto complainant in Cr.No.43 of 2024, for the offence under Sections 294(b), 323, 324 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.

5.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 her 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 reported in **2017 9 SCC 641 - (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, and after

<https://www.mhc.tn.gov.in/> exercising due caution as advised by the Hon'ble Supreme Court in the **State**



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of Madhya Pradesh Vs. Dhruv Gurjar and Another reported in (2019) 2

MLJ Crl 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 and in order to avoid further conflict between the parties.

7.Accordingly, by recording the compromise memo dated 16.03.2024, this criminal original petition is allowed and the case in Crime No.43 of 2024 pending on the file of the first respondent is hereby quashed. The joint compromise memo, dated 16.03.2024, shall form part and parcel of this order.

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,
Jayamangalam Police Station,
Theni District.

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

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