



Crl.O.P.(MD)No.5045 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.5045 of 2024

1.Thameem Ansari

2.Vasanthakumar

... Petitioners

Vs.

1.The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
(Crime No.62 of 2024)

2.Ashik Mohamed

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records pertaining to the case in Cr.No.62 of 2024 dated 06.03.2024 on the file of the Ettayapuram Police Station, Thoothukudi District and quash the same.

For Petitioners : Mr.S.Sathiyachidambaram

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)



WEB COPY



CrI.O.P.(MD)No.5045 of 2024

For R2

: Mr.M.Dinakar

ORDER

This Criminal Original Petition has been filed seeking orders to quash the first information report in Cr.No.62 of 2024 on the file of the first respondent.

2.The case of the prosecution is that the second respondent's wife has illegal affair with the first accused, who is none other than the second respondent's close relative. When the same was questioned by the second respondent, there arose wordy quarrel between the parties, in which, the petitioners abused the second respondent in filthy language and also assaulted him and hence, the second respondent lodged a complaint.

3.The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, first information report in Cr.No.62 of 2024



Crl.O.P.(MD)No.5045 of 2024

was registered for the offences under Sections 294(b), 323 and 506(ii) IPC against the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that during pendency of this petition, the first respondent has completed the investigation and filed the final report, which was also taken cognizance in C.C.No.205 of 2024 by the learned Judicial Magistrate, Kovilpatti. 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 20.03.2024 has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.G.Anantharaj, Special Sub Inspector of Police, Ettayapuram Police Station, Thoothukudi District 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.



CrI.O.P.(MD)No.5045 of 2024

WEB COPY

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 294(b), 323 and 506(ii) IPC.

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 first information report in Cr.No.62 of 2024 on the file of the first respondent, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the first information report in Cr.No.62 of 2024 on the file of the first



CrI.O.P.(MD)No.5045 of 2024

respondent, is quashed and the joint compromise memo shall form part
and parcel of this order.

13.08.2024

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

To

- 1.The Judicial Magistrate Court,
Kovilpatti.
- 2.1.The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.5045 of 2024

K.MURALI SHANKAR,J.

gns

Crl.O.P.(MD)No.5045 of 2024

13.08.2024