



CrI.O.P.(MD) No.5631 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5631 of 2024

Panthalaraja

...Petitioner

Vs

**1. State rep. By
The Inspector of Police,
Gandhi Market Police Station,
Trichy City.
(Cr.No.100 of 2024)**

2.Selvakumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with Cr.No.100 of 2024 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.K.M.Karunakaran

**For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)**

For R2 : Mr.S.Veerapandi Selvaraj



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ORDER

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The petitioner is an accused in Crime No.100 of 2024 on the file of the first respondent Police Station, which was registered for the offence under Sections 294(b), 324 and 506(ii) IPC. He has filed this petition to quash the proceedings pending against him.

2.The case in Crime No.100 of 2024 was registered based on the complaint given by the second respondent on 16.02.2024 alleging that, due to previous enmity, the petitioner abused the defacto complainant in filthy language, attacked him and also made life threat.

3.Based on the complaint of the defacto complainant, the respondent police has conducted investigation and filed a final report and it is yet to be taken on file by the Court concerned. At this stage, the petitioner has moved this application that the issue between the petitioner and the defacto complainant has been amicable settled. This Court by earlier order dated 15.04.2024, directed the respondent police to ascertain the genuineness of the compromise. The Inspector of Police had filed a report that the final



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report was already filed on 12.04.2024. Further, he states that when he verified the defacto complainant, he denied the factum of compromise.

4.On the directions of this Court, the defacto complainant appeared before this Court. On verification, the defacto complainant submitted that it is only a casual incident where the petitioner assaulted him with a cell phone and he has not sustained any injury. He further submitted that they have compromised the issue among themselves and a Joint Compromise Memo dated 15.03.2024, signed by both the parties has also been filed.

5.In the light of the guidelines given by the Hon'ble Supreme Court reported in ***2017 9 SCC 641-(Prabathbhai Aahir @ Parbathbhai Vs. State of Gujarath)***, 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 First Information Report in Crime No.100 of 2024 on the file of the first respondent Police.



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6.However, considering the manner in which the case has been foisted as against the petitioner, this Court is inclined to impose a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) on the defacto complainant for having abused the process of law by foisting a complaint as against the petitioner. The defacto complainant is directed to pay Rs. 25,000/- (Rupees Twenty Five Thousand only) to the office of the Chief Educational Officer, Trichy. The said amount has to be utilized by the Chief Educational Officer, Trichy, for the purpose of installing a Smart Class Room in any of the remote Schools within Trichy District.

7.Accordingly, this criminal original petition is allowed and the case in Crime No.100 of 2024 pending on the file of the first respondent is hereby quashed. The Joint Compromise Memo dated 15.03.2024 shall form part and parcel of this order.

23.04.2024

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

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To

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1. The Inspector of Police,
Gandhi Market Police Station,
Trichy City.
2. The Chief Educational Officer,
Trichy
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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23.04.2024