



Crl.O.P.(MD)No.8285 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8285 of 2024

1.Aathi @ Athimuthu

2.Raj @ Dharamaraj

3.Asirvatham

4.Annamani

... Petitioners

Vs.

1.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No.110 of 2024)

2.Asirvatham

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.110 of 2024 on the file of the first respondent police and quash the same against the petitioners.

For Petitioners

: Mr.S.Poornachandran

For R1

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



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For R2

: Mr.R.Ponkarthikeyan

ORDER

The petitioners are accused in Cr.No.110 of 2024 on the file of the first respondent, which was registered for the offence under Sections 294(b), 324 and 506(2) IPC. They have filed this petition to quash the proceedings pending as against them.

2.The petitioners / accused and the defacto complainant are neighbors. The case of the prosecution is that due to previous motive, the accused persons have attacked the defacto complainant and caused simple injuries. Hence, the case.

3.The defacto complainant and the petitioners 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 26.05.2024 signed by 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.110 of 2024



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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:

This is to certify that, as directed by this Court in CrI.O.P.(MD)No.8285 of 2024, I personally verified the defacto complainant in Cr.No.110 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.

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



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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 *CrI 10*, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., is inclined to quash FIR in Cr.No.110 of 2024 on the file of the first respondent, though certain offence are non-compoundable in order to avoid further conflict between the parties.

7.Accordingly, by recording the compromise memo 26.05.2024 this criminal original petition is allowed and the case in Cr.No.110 of 2024 pending on the file of the first respondent is hereby quashed. The joint compromise memo dated 26.05.2024 shall form part and parcel of this order.

18.06.2024

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



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- 1.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.

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



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B.PUGALENDHI,J

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