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Crl.O.P.(MD)No.8315 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.8315 of 2024

and

Crl.M.P(MD)No.5662 of 2024

1.Dhanus @ Thanush

2.Siva

3.Alagarsami @ Alagarsamy

4.Balammal

5.Chandra @ Chandira

6.Sridevi

... Petitioners/A1 to A6

Vs.

1.The Inspector of Police,
Thenkarai Police Station,
Theni District.
Crime No.219 of 2024.

2.Sudhakar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.219 of 2024 on the file of the first respondent and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.J.Vishnu

For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
for R1.



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: Mr.R.Mohamed Riyaz, for R2.

ORDER

The Criminal Original Petition has been filed, invoking Section 482 of Cr.P.C., seeking orders to call for the records pertaining to the FIR in Crime No.219 of 2024 on the file of the first respondent and quash the same in so far as the petitioners are concerned.

2. The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant with sickle and abused him in filthy language and also attacked his wife. Hence, the second respondent lodged a complaint.

3. When the matter is taken up for hearing today, 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, FIR came to be registered in Crime No.219 of 2024 for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, against the petitioners.



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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 08.07.2024 has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.P.Katturaja, SSI, Thenkarai Police Station, Theni 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.

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, 294(b), 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002.

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



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SCC 303 and Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)

reported in ***(2017)9 SCC 641*** were taken into consideration.

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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.219 of 2024 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.219 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 08.07.2024 shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

02.09.2024

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



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To

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

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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.8315 of 2024
and
Crl.M.P(MD)No.5662 of 2024

Dated: 02.09.2024