



CrI.O.P.(MD)No.9316 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9316 of 2024

and

CrI.M.P.(MD)No.6378 of 2024

1. Karankumar,

2. Maheswari

... Petitioners

Vs

1. State rep. by

The Inspector of Police,

Salaigramam Police Station,

Sivagangai District.

(Crime No.76/2023)

2. Ramaiya

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in relating to the impugned FIR in Crime No.76/2023 on the file of the 1st respondent police and to quash the same in so far as the petitioners are concerned.

For Petitioners

: Mr. Jeyakarthik.M.S

For R1

: Mr.M.Sakthi Kumar

Government Advocate(CrI.side)

For R2

: Mr.S.Vidhya Sagar



ORDER

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The petitioners are accused in Crime No.76 of 2023 on the file of the first respondent Police Station, which was registered for the offence under Sections 294(b), 324 and 506(i) of IPC. They have filed this petition to quash the proceedings pending against them.

2.The petitioners and the defacto complainant belongs to same locality. The case of the prosecution is that due to property dispute, the petitioners attacked the defacto complainant and abused him using filthy language. Hence the complaint.

3.The defacto complainant and the accused 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 18.06.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.76 of 2023 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:



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This is to certify that, as directed by this Court in CrI.O.P.(MD)No.9316 of 2024, I personally verified the defacto complainant in Cr.No.76 of 2023, for the offence under Sections 294(b), 324 and 506(i) of 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 his willingness to solve the issue. Since the parties have reached a settlement, the continuance of legal proceedings would serve no purpose. The conflict is between the private individuals and it is not affecting the society at large.

6.Under such circumstances 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 exercising due caution as advised by the Hon'ble Supreme Court in the **State of Madhya Pradesh Vs.**



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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 proceedings in Crime No.76 of 2023, 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, dated 18.06.2024 this criminal original petition is allowed and the proceedings in Crime No.76 of 2023, on the file of the first respondent, is hereby quashed. The joint compromise memo, dated 18.06.2024, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

15.07.2024

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



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B.PUGALENDHI,J

jbr

To

1. The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.

2. The Inspector of Police,
Fort Police Station,
Trichy City.

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

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