



Crl.O.P.(MD)No.13718 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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1. Ajay,

2. Sathish @ Sathishpandi,

3. Ayyappan,

4. Sham @ Shanmuga Priyan,

... Petitioners

Vs

State represented by

1. The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
Crime No.1531 of 2020.

2. Rajesh,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in Cr.No.1531 of 2020 on the file of the Pattukkottai Town Police Station, Thanjavur District and quash the same.



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For Petitioners : Mr.R.Balamuruganatham
For R1 : Mr.P.Kottai Chamy
Government Advocate(Crl.side)
For R2 : Mr.V.M.Berdin Vinodh

ORDER

The petitioners are accused in Crime No.1531 of 2020 on the file of the first respondent Police Station, which was registered for the offence under Sections 294(b), 324, 427 and 506(2) IPC. They have filed this petition to quash the proceedings pending against them.

2.The case of the prosecution is that due to previous enmity, on 16.07.2020, the accused had abused the defacto complainant using filthy language, threatened her with dire consequences and also caused damages to her vehicle using wooden log. Hence the complaint.

3.The petitioners and the defacto complainant are present before this Court and they have stated that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated NIL signed by both the parties, is also filed before this Court, praying to quash the



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proceedings.

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4.Before entertaining this application on the ground of compromise, this court has directed the investigation officer in Crime No.1531 of 2020 to personally verify with the defacto complainant and to ascertain whether the compromise is 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 Crl.O.P.(MD)No.13718 of 2023, I personally verified the defacto complainant in Cr.No.1531 of 2020, for the offence under Sections 294(b), 324, 427 and 506(2) 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



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affecting the society at large.

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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. 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 FIR in Crime No.140 of 2022, on the file of the first respondent police, though certain offences are non-compoundable, in order to avoid further conflict between the parties.

7. Accordingly, by recording the compromise memo, dated NIL, this criminal original petition is allowed and the case in Crime No.1531 of 2020 pending on the file of the first respondent is hereby quashed. The joint compromise memo, dated NIL, shall form part and parcel of this order.

08.04.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

<https://www.mhc.tn.gov.in/judis>



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B.PUGALENDHI,J

LR

To

1. The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.

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

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