



Crl.O.P.(MD)Nos.21578 and 21579 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.21578 and 21579 of 2024

- 1.Thiravia Mohan
- 2.Thanasingh @ Thavasi
- 3.Thirumal
- 4.Vettum Perumal

... Petitioners in Crl.O.P.(MD)No.
21578 /2024

- 1.Paul
- 2.Perumal
- 3.Samynathan
- 4.Isravel
- 5.Devadass
- 6.Utchimahali
- 7.Isravel
- 8.Padmavathi
- 9.Jepagethiyon @ Kithiyon
- 10.Paulkani

...Petitioners in Crl.O.P.(MD)No.
21579 /2024

Vs.

- 1.State of Tamil Nadu,
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli Disrict.
(Crime No.528 of 2023)

- 2.Paul

... Respondents in Crl.O.P.
(MD)No.21578 /2024



Crl.O.P.(MD)Nos.21578 and 21579 of 2024

1.State of Tamil Nadu,
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(Crime No.567 of 2023)

2.Thiravia Mohan

... Respondents in Crl.O.P.
(MD)No.21579 /2024

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, to quash the charge sheet in Crime Nos.528 and 567 of 2023 on the file of the first respondent police for the offence under Sections 147, 148, 448, 294(b), 506(ii), 379 IPC and Section 3(1) of TNPPDL Act @ 448, 147, 148, 294(b), 506(ii) IPC and Section 3(1) of TNPPDL Act and Sections 147, 447, 506(ii), 109 IPC and Section 3 of TNPPDL Act @ 447, 294(b), 506(ii) IPC and Section 3 of TNPPDL Act, respectively against the petitioners in both petitions.

In Crl.O.P.(MD)No.21578 of 2024:

For Petitioners	: Mr.H.Mohammed Farook
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R2	: Mr.A.Ajith Prakash

In Crl.O.P.(MD)No.21579 of 2024:

For Petitioners	: Mr.A.Ajith Prakash
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R2	: Mr.H.Mohammed Farook



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COMMON ORDER

These Criminal Original Petitions have been filed to quash the First Information Report in Crime Nos.528 and 567 of 2023 on the file of the first respondent Police.

2. The case of the prosecution is that there is a land dispute between the parties in these petitions. In view of the said dispute, the parties are said to have abused each other in filthy languages and damaged the properties of each other. Hence, the complaint and the counter complain have been registered against the petitioners in both petitions.

3. The learned counsel appearing for the petitioners would submit that the second respondent in both petitions lodged complaints before the first respondent Police and on that basis, F.I.R. came to be registered in Crime Nos.528 and 567 of 2023 against the petitioners in both petitions.



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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. Joint Memo of Compromise have been filed before this Court, which has been signed by the petitioners and the second respondent in both petitions and also by their respective counsel. The petitioners and the second respondent in both petitions were also present in person before this Court and they were identified by Mr.K.Anwar, SI of Police, Kalakad Police Station, Tirunelveli District as well as by the learned counsel appearing for the parties. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. The petitioners and the defacto complainant in both the petitions present before this Court and submitted that they have compromised the matter amicably. Some of the accused in these cases were deleted from the FIR and charge sheet has also been filed as against some of the accused persons.



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7. Now the parties have compromised the matter amicably. The

High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

8. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in ***(2017) 9 SCC 641*** were taken into consideration.

9. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court and in view of the specific stand taken by the defacto complainant, no useful purpose will be served in keeping the proceedings in Crime Nos.528 and 567 of 2023, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

10. Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime Nos.528 and 567 of 2023, on the file of the first respondent Police, is quashed and the terms of joint



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compromise memo shall form part and parcel of this order. The other consequential proceedings shall also be closed.

NCC : Yes / No
Index : Yes / No
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10.12.2024

To

- 1.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli Disriect.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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