



CrI.O.P.(MD)No.23503 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.23503 of 2023

1.Sugumar @ Sugumaran

2.Arunkumar

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.

2.The State Rep by
The Inspector of Police,
Perungudi Police Station,
Madurai District.
(Cr.No.86 of 2023)

3.Adaikkalm

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Cr.No.86 of 2023 dated 05.06.2023 on the file of the second respondent Police insofar as the petitioners are concerned and quash the same as against the petitioners.

For Petitioners

: Mr.R.Mathavaselvam

For R1

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

For R2

: Mr.L.Prabhakaran



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ORDER

The petitioners are accused in Crime No.86 of 2023 on the file of the first respondent Police Station, which was registered for the offence under Sections 147, 148, 342, 294(b), 323, 324 and 506(ii) IPC. They have filed the present petition to quash the proceedings pending as against them.

2.The petitioners and the defacto complainant are living in the nearby villages. The case of the prosecution is that due to previous enmity, the petitioners assaulted the defacto complainant with deadly weapons and also made life threat. Hence, this 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 08.01.2024 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.86 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:

This is to certify that, as directed by this Court in



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Crl.O.P.(MD)No.23503 of 2023, I personally verified the defacto complainant in Cr.No.86 of 2023, for the offence under Sections 147, 148, 342, 294(b), 323, 324, 506(ii) 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 also verified the parties with their Aadhaar cards and also 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 in a case ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***2017 9 SCC 641-***, and after 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 Crl 10***, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the First Information Report in Crime No.86 of 2023 on the file of the second respondent Police, though certain offence are non-compoundable in order to avoid further conflict between the parties.



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7. Accordingly, by recording the compromise memo dated 08.01.2024 this criminal original petition is allowed and the case in crime No.86 of 2023 pending on the file of the second respondent is hereby quashed. The joint compromise memo dated 08.01.2024 shall form part and parcel of this order.

05.04.2024

Index : Yes/No
Internet: Yes
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To

1. The Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.
2. The Inspector of Police,
Perungudi Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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