



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.372 of 2025

- 1.Alagiri @ Azhagiri
- 2.Pitchaikannu @ Sitharthan
- 3.Suresh
- 4.Murugesan @ Murugaiyan
- 5.Sathish
- 6.Mathi @ Mathivanan

... Petitioners

-Vs-

- 1.The State of Tamil Nadu,
Rep by Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
(In Crime No.279 of 2022)

- 2.Samidurai

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya Nagarik Shuraksha Sanhita, to call for the records relating to the First Information Report in Crime No.279 of 2022 dated 14.05.2022 on the file of the Inspector of Police, Pappanadu Police Station, Thanjavur District and quash the same as against the petitioners.

For Petitioners	: Mr.T.Sathiyathan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mr.B.Anandan



ORDER

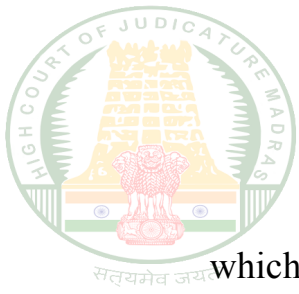
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The Criminal Original Petition has been filed to quash the First Information Report in Crime No.279 of 2022 dated 14.05.2022 on the file of the first respondent Police.

2. The case of the prosecution is that there is an enmity between the first petitioner and the defacto complainant. In this regard, the first petitioner along with other accused persons are said to have attacked the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.279 of 2022 dated 14.05.2022 for the offences under Sections 147, 148, 294(b), 452, 324, 354 and 506(ii) IPC.

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.



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5. A Joint Memo of Compromise has been filed before this Court, which has 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 Ms.S.Malarvizhi, WSSI of Police, Vattathi Kottai Police Station, Thanjavur District as well as by the learned counsel 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, due to previous motive, the petitioners are said to have attacked the defacto complainant and there is a case and case in counter. Now they 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.

7. 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.



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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.279 of 2022 dated 14.05.2022 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.279 of 2022 dated 14.05.2022, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

22.01.2025

Index : Yes/No

Internet : Yes/No

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To

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



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M.NIRMAL KUMAR,J.

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