



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI. O.P. No.20414 of 2017
and
CrI.M.P.No.12271 of 2017

1.Pandian @ Jayapandian

2.Kannan @ Gopalakrishnan

3.Ravi

...Petitioners/Accused

Vs.

Nagaraj

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order dated 24.08.2017 in C.C.No.218 of 2011 by the Learned Judicial Magistrate II, Udumalpet.

For Petitioners : Mr.S.Shankar

For Respondent : Mr.A.Sathish kumar

O R D E R

This Criminal Original Petition has been filed to call for the records and to set aside the order dated 24.08.2017 in C.C.No.218 of 2011 by the Learned Judicial Magistrate II, Udumalpet.

2.Heard the learned counsel appearing on either sides and perused the materials available before this Court.

3. It is seen that an application is filed to quash the private complaint which was taken cognizance by the Judicial Magistrate II, Udumalpet. The prosecution was launched by way of the private complaint for the alleged assault and intimidation causing injuries to the de facto complainant. The trial Court took cognizance of the offence in C.C.No.218 of 2011, originally for the offence under Section 324 of the Indian Penal Code (I.P.C.) and P.Ws 1 to 4 were examined. Thereafter, the learned Magistrate is of the view that the offence under Section 307 of



I.P.C. is made out and at present, the trial is pending before the trial Court. At this stage, the petitioner has filed this quash petition.

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4. The de facto complainant is also present today before this Court and he is identified by his counsel and similarly, the accused 1 to 3 were present before this Court and they were identified by their Advocate. Both the parties have executed the compromise memo indicating the compounding of offence.

5. In view of the compromise entered between the parties, though when normally the trial has commenced and serious offences is made out, the Court would not entertain compounding of the offence under Section 307 of I.P.C., but at the same time, when the allegations in the complaint is trivial in nature and there is no serious injuries to attract the offence under Section 307 of I.P.C, taking note of the circumstances of each case, the Court is entitled to quash the petition. The entire dispute is between the de facto complainant and the accused, who are the neighbouring land owners for the pathway.

6. Considering the above facts and circumstances of the case and the compromise memo filed for compounding of the offence by both the parties, and in view of the doctor's report, which is also on record, this Court is of the view that except some abrasions over the neck and in hand, no serious injuries caused on the witnesses. In such view of the matter, taking into account the prosecution of offence under Section 307 of I.P.C. would not be attracted continuing prosecution is nothing a futile exercise and abuse of process of law.

7. Accordingly, the complaint filed in old P.R.C.No.6 of 2017 (new P.R.C.No.1 of 2021) stands quashed and the Criminal Original Petition is ordered. The compromise memo dated 19.11.2021 is taken on record. Consequently, connected miscellaneous petition is closed.

(*) Herein enclosed the xerox copy of the Memo of compromise.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sts/ata



To:

- 1) The Judicial Magistrate II,
Udumalpet.
- 2) The Chief Judicial Magistrate,
Tirupur District.
(For Information)

+lcc to Mr.S.Shankar, Advocate, S.R.No.63215

+lcc to Mr.A.Sathish kumar, Advocate, S.R.No.63248

CrI.O.P. No.20414 of 2017

EV[co]
NSK 28/12/2021