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Crl.O.P.No.24792 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.24792 of 2022

1.Rajavel
2.Lakshmanan
3.Sakthivel
4.Manivel
5.Alamelu
6.Indhira Gandhi @ Indira
7.Rayor

... Petitioners

Vs.

1.The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
(Crime No.253 of 2011)

2.Kumar

... Respondents

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records with respect of the charge sheet in C.C.No.293 of 2013 on the file of the Judicial Magistrate No.I, Kallakurichi and quash the same.



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For Petitioners ... Mr. R. Nalliyappan
For Respondents ... Mr. E. Raj Thilak, for R1
Additional Public Prosecutor
Mr. C. Mahendran, for R2

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.293 of 2013 pending on the file of the Judicial Magistrate, No.I, Kallakurichi, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 354, 448, 427 and 506(ii) IPC.

2. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent are also present in-person before this Court and they are identified by



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Mr.Dhandapani, Special Sub Inspector, Varanjaram Police Station. In order to identify themselves, they have also produced the copies of the Aadhaar Card and it is made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 147, 148, 294(b), 323, 324, 354, 448, 427 and 506(ii) IPC.

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

6. 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



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keeping the proceedings in C.C.293 of 2013 pending on the file of the Judicial Magistrate, No.I, Kallakurichi, even though, the offences involved are non compoundable in nature.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.293 of 2013 on the file of the Judicial Magistrate, No.I, Kallakurichi is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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AT

Index : Yes/No



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V.SIVAGNANAM ,J.

AT

To

1.The Judicial Magistrate No.I, Kallakurichi.

2.The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court of Madras.

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