



Crl.O.P.(MD) No.5035 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.5035 of 2020

and

Crl.M.P(MD)Nos.2918 and 2919 of 2020

Surendran

...Petitioner/Accused No.1

Vs.

1.State Rep. by

**The Special Sub Inspector of Police,
Theppakulam Police Station,
Madurai City, Madurai.
(Crime No.1169 of 2017)**

2.Ramesh

...Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the charge sheet in C.C.No. 934 of 2019 on the file of the Judicial Magistrate Court No.1, Madurai in Crime No.1169 of 2017, dated 01.12.2017 on the file of the respondent No.1 and quash the same as illegal as against the petitioners alone.

For petitioner	: Mr.T.Lajapathy Roy
For R1	: Mr.A.Albert James Government Advocate (Crl.side)
For R2	: Mr.I.Pinaygash



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.934 of 2019 pending on the file of the learned Judicial Magistrate Court No.1, Madurai, for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.1169 of 2017.

2.The case of the prosecution is that on 07.08.2016 the *de facto* complainant was selected as a Secretary in Nadar Uravin Murai Sangam, Madurai and some members were temporarily suspended because of the misappropriation committed by them later they were suspended permanently. In the meanwhile, they published a notification in newspaper that they have removed the *de facto* complainant and other members, on 17.08.2017, the *de facto* complainant and others formed an unlawfully assembly to pass a resolution with effect that the accused persons are not members in the said association. On 18.08.2017, the accused persons attacked the *de facto* complainant and he had sustained injury. Hence, the case has been registered.



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

4.The petitioner and the second respondent are present in person before this Court and they are identified by Mr.C.Krishnan, SSI of Police, Theppakulam Police Station, Madurai City 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. The second respondent/defacto complainant stated that he compromised the dispute amicably and also made an endorsement to that effect.

5. 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 the power to quash the complaint for the offence under Sections 294(b), 324, 506(ii) IPC.

6. The legal position expressed by the Hon'ble Apex Court in the



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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.

7. 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 C.C.No.934 of 2019 pending before the learned Judicial Magistrate Court No.1, Madurai, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.934 of 2019, on the file of the learned Judicial Magistrate Court No.1, Madurai, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently connected miscellaneous petitions are closed.

02.08.2022

Internet:Yes
Index:Yes/No
vsd



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To

- 1.The Judicial Magistrate No.1,
Madurai.
- 2.The Special Sub Inspector of Police,
Theppakulam Police Station,
Madurai City, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

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