



Crl.O.P.(MD) No.11714 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.11714 of 2022

and

Crl.M.P.(MD).Nos.7381 and 7382 of 2022

Jeeva

...Petitioner/Accused No.5

Vs.

1.The State represented by
The Inspector of Police,
Thanjavur Medical College Police Station,
Thanjavur District.
(Crime No.18 of 2019)

... Respondent No.1/
Complainant

2.Sarathkumar

...Respondent No.2/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records relating to SC.No.83 of 2020 on the file of
the Principal Assistant Sessions Judge, Thanjavur and quash the same as
against the petitioner.



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For Petitioner : Mr.M.Karunanithi
For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed to quash the case in SC.No.83 of 2020 on the file of the Principal Assistant Sessions Judge, Thanjavur.

2.The case of the prosecution is that the second respondent herein was working in a bar situated at Ramanath Hotel at Thanjavur District. On 15.01.2019 at about 8.10 p.m the accused persons gave lesser money than that of the bill. When the second respondent questioned about the same, he was assaulted by the accused persons. Hence, the complaint was registered. After completion of investigation, charge-sheet has been laid and it has been taken cognizance in S.C.No.83 of 2020 on the file of the Principal Assistant Sessions Judge, Thanjavur and it is pending for trial.



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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. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.Abdul Rahim, SSI, Thanjavur Medical College Police Station, Thanjavur District as well as by the learned Counsels 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.

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 to power to quash the complaint for the offence under Sections 294(b), 506(ii), 147, 148, 427 and 307 I.P.C.

6. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in



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(2012)10 SCC 303 and Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat 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 S.C.No.83 of 2020 pending before the Principal Assistant Sessions Judge, Thanjavur, 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 S.C.No.83 of 2020 on the file of the Principal Assistant Sessions Judge, Thanjavur is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions stand closed.

05.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
Nsr



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- 1.The Inspector of Police,
Thanjavur Medical College Police Station,
Thanjavur District.
- 2.The Principal Assistant Sessions Judge,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

Nsr

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