



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10033 of 2022

and

Cr1.M.P(MD) Nos.6296 & 6297 of 2022

WEB COPY

1. Thoufik Ali
2. Mohamed Haroon @ Haroon
3. Seeni Alla Pitchai
4. Syed Oli @ Thunikadai Syed
5. Sheik Thambi
6. Abubakkar Sithiq
7. Mohamed Ali
8. Kiyasudeen

... Petitioners/Accused No.2 to 8
Vs

- 1.The State Represented through
The Inspector of Police,
B-1 Vilakuthoon Police Station,
Madurai City.

(In Crime No.1260 of 2017) ... 1st respondent/Complainant

2. Abu Bakkar ..2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records pertaining to the charge sheet in C.C.No.73 of 2019 on the file of the learned Judicial Magistrate No.1, Madurai and quash the same as illegal as against the petitioners.

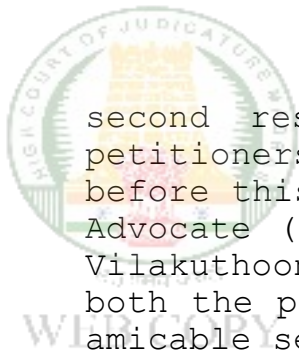
For Petitioners : Mr.M.Seenisulthan
For R1 : Mr.A.Albert James
Government Advocate (Cr1.Side)

O R D E R

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.73 of 2019 pending on the file of the Judicial Magistrate No.I, Madurai.

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. A1 died on 06.12.2019 and the death certificate also filed. Remaining accused A2 to A9 and the de-facto complainant were compromised the matter. 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 were also present in person before this Court and they were identified by the learned Government Advocate (Criminal Side) as well as Mr.D.Ramesh, SI of Police, B-1 Vilakuthoon Police Station, Madurai City. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. The learned counsel for the petitioners submitted that the first accused now died is having enmity with the complainant, during the occurrence period. The case has been registered only against A1 and others. The name of the petitioners A2 to A9 are not found in the FIR. Subsequently the name of the petitioners have been added and now they compromised the matter with the complainant.

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 charge sheet in C.C.No.73 of 2019 for the offence under Sections 120 (b), 147, 148, 341, 323, 324, 294(b) and 506(ii) of IPC.

6. 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.

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.73 of 2019 pending before the Judicial Magistrate No.I, Madurai District, 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.73 of 2019, on the file of the Judicial Magistrate No.I, Madurai District is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ebsi

ENCL:Xerox Copy of Joint Compromise Memo

<https://hcservices.ecourts.gov.in/hcservices/>



To

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

+1 CC to M/s.M. SEENISULTHAN, Advocate (SR-25932[F]
dated 15/06/2022)

ORDER IN
CRL.O.P (MD) No.10033 of 2022
13.06.2022

CK(CO)
GC(30.06.2022) 3P 5C