



Crl.O.P.(MD) No.10431 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10431 of 2022

Aswin Shibu,

: Petitioner

Vs

1. The State represented by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.344/2018).

2. Elvin Vinix,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records in C.C.No.165 of 2022, on the file of the learned Judicial Magistrate Eraniel, Kanyakumari district and quash the same as against this petitioner.

For petitioner : M/s.Russel Raj R,

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

For R2 : Mr.S.Ramakrishnan



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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. 165 of 2022 pending on the file of the learned Judicial Magistrate Eraniel, Kanyakumari District, for the offences punishable under Sections 147, 148, 341, 294(b), 427, 323, 379, 506(2), 149 and 324 of IPC, in Crime No.344 of 2018.

2.The case of the prosecution is that due to previous enmity, the petitioner and the other accused persons abused the petitioner with filthy language, attacked him, caused injury, snatched his cell phone and threatened him with dire consequences. Hence the complaint.

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



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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.Kathiravan, SSI of Police, Eraniel Police Station. 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 147, 148, 341, 294(b), 427, 323, 379, 506(2), 149 and 324 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.165 of 2022 pending before the learned Judicial



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Magistrate Eraniel, Kanyakumari 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.165 of 2022 pending before the learned Judicial Magistrate Eraniel, Kanyakumari District is quashed and the terms of joint compromise memo shall form part and parcel of this order.

24.06.2022

Internet: Yes./No

Index: Yes/no

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To

1.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

lr

ORDER IN
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