



CRL.O.P (MD) No.11144 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11144 of 2022

and

CrI.M.P(MD)No.7024 of 2022

1.P.Renjith

2.R.Samraju @ Raju

... Petitioners/Accused Nos.1 & 2

Vs

1.The State Rep. by

The Sub Inspector of Police,
Kollenkode Police Station,
Kanyakumari District.

... 1st Respondent/Complainant

2.Rajesh

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to charge sheet in C.C.No.167 of 2020 on the file of the Judicial Magistrate No.II, Kuzhithurai and quash the same as against the accused Nos.1 & 2.

For Petitioners : Mr.N.Kamesh

For R1 : Mr.A.Albert James
Government Advocate (CrI.side)

For R2 : Mr.P.Pandiyarajan



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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.167 of 2020 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai, for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.10 of 2020.

2.The case of the prosecution is that on 25.12.2019, the first petitioner stopped the two wheeler bearing Registration No.TN-75-Q-1705 in front of the defacto complainant's welding shop and went to attend the Christmas prayer nearby Church. After completing the prayer, while the first petitioner came to take his two-wheeler, one Akiljosh, who is an employee of the welding shop, scolded the first petitioner by using filthy language and there was an oral altercation between them. While so, on 11.01.2020, both the petitioners called the said Akiljosh and were quarrelling with him. At the time, the defacto complainant came there to solve the issue between the petitioners and Akiljosh. In the meantime, the petitioners attacked the Akiljosh and the defacto complainant. Hence, the *de facto* complainant gave a complaint against the petitioners.



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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 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 Mr.K.William, SSI of Police, Kollenkode Police Station, Kanyakumari 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 punishable under Sections 294(b), 323, 324 and 506(ii) of IPC.



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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 Gujath** 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.167 of 2020 pending before the learned Judicial Magistrate No.II, Kuzhithurai, 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.167 of 2020, on the file of the learned Judicial Magistrate No.II, Kuzhithurai, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently connected miscellaneous petitions is closed.

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Internet: Yes/No
Index: Yes/No
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To

- 1.The Judicial Magistrate No.II,
Kuzhithurai,
- 2.The Sub Inspector of Police,
Kollenkode Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

ORDER IN
CRL.O.P (MD) No.11144 of 2022

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