



*Crl.O.P.(MD) No.11115 of 2022*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2022

CORAM:

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

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and

Crl.M.P(MD)No.7010 of 2022

1. Kishok @ Kishok Kumar,
2. Nasren @ Jesu Nasren,
3. Dismon @ Joseph Prem Dismon,
4. Neppoliyan,
5. Vimal @ Sahaya Arul Vimal,
6. Arasu @ Valan Arasu,
7. Anton,
8. Reji,
9. Prabhu @ Sahaya Marshallin Prabhu,

: Petitioners/  
Accused Nos.1 to 5 and 7 to 10

Vs

1. The State represented by its,  
The Inspector of Police,  
Koodankulam Police Station,  
Tirunelveli District.  
Crime No.356/2020.

:1st Respondent/  
Complainant

2. Kennedy,

:2nd Respondent/  
Defacto complainant



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**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records in relating to the impugned charge sheet in PRC No.1/2022 on the file of the learned Judicial Magistrate Court, Radhapuram and its consequential proceedings and to quash the same in so far as the petitioners are concerned.

|                 |                                |
|-----------------|--------------------------------|
| For Petitioners | : M/s.Vidya Sagar S,           |
| For R1          | : Mr.E.Antony Sahaya Prabahar, |
|                 | Additional Public Prosecutor   |
| For R2          | : Mr.Mariappan                 |

### **ORDER**

The Criminal Original Petition has been filed to quash the Charge Sheet in PRC No.1/2022 on the file of the learned Judicial Magistrate Court, Radhapuram, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307, 506(2), 325, 326 and 34 of IPC.

2.The case of the prosecution is that due to previous enmity, the petitioners attacked the defacto complainant, abused with filthy language and also gave a life threat. Hence, the complaint.



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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.S.Karthikeyan, Koodankulam 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, 294(b), 323, 324, 307, 506(2), 325, 326 and 34 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 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 PRC No.1/2022 on the file of the learned Judicial Magistrate Court, Radhapuram, 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 PRC No.1/2022 on the file of the learned Judicial Magistrate Court, Radhapuram, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

**23.06.2022**

Internet: Yes



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Index: Yes/No

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To

1.The Inspector of Police,  
Koodankulam Police Station,  
Tirunelveli District.

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



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**V.SIVAGNANAM, J.**

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