



Crl.O.P.(MD) No.11110 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.11110 of 2022

Muthukumar

... Petitioner

Vs

1. The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
Crime No.178 of 2018..

2. Malaisamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to quash the proceedings in CC.No.33 of 2019 on the file of District Sessions Special Court (PCR), Sivagangai, so far as the Petitioner/4th Accused.

For petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.A.Albert James (R1)
Government Advocate (Crl.Side)
Mr.V. Karthikeyan(R2)



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.33 of 2019 pending on the file of the learned Judge, District Sessions Special Court (PCR), Sivagangai, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 19992, Sections 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, in Crime No.178 of 2018.

2.The case of the prosecution is that due to previous enmity, on 28.12.2018 at about 04.45PM, the petitioner and other accused persons came to Ambedkar Nagar in a vehicle with deadly weapons and assaulted the defacto complainant with wooden log and abused him with caste name and also threatened him by showing weapons, as if they will kill them. 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. In this case, there are totally five accused. The petitioner is A4 and he settled the matter with the victim. Since the defacto complainant stated that the petitioner was not present at the scene of occurrence, he did not want to continue the criminal proceedings against A4/petitioner. The petitioner and the defacto complaint settled their issue out of Court.

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.V.R.Karupaiyah, SSI of Police, Thiruppachethi 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



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matter, the High Court has to power to quash the complaint for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 19992, Sections 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

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.33 of 2019 pending before the learned Judge, District Sessions Special Court (PCR), Sivagangai, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.33 of 2019, on the file of the learned Judge, District Sessions Special Court (PCR), Sivagangai is quashed against this petitioner/A4 and the terms of joint compromise memo shall form part and parcel of this order.

30.06.2022

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

To

1. The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
Crime No.178 of 2018..

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



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V.SIVAGNANAM, J.

PNM

ORDER IN

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