



Crl.O.P.(MD) No.11335 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11335 of 2022

1. Laser
2. Santhiyagu Rayappan
3. Larince @ Lerince
4. Labthesh @ Rathish
5. Xavier @ Santhacruz Xavier
@ Santhacruz Xavier Loyala
6. Viyagulam @ Viyagula Devalaser
7. Prabhaker @ Kitheriyaan
Elvis Prabhaker

... Petitioners/
Accused No.1 to 6 & 9

Vs

- 1.The State represented by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No. 314 of 2018)

... 1st Respondent/Complainant

2. Seethathi Kathiravan @
Kathiravan

... 2nd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records pertaining to the case in C.C.No.1464 of 2020 pending on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District and quash the same in respect of the petitioners.



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For Petitioners : Mr.A.Kesavan
For R1 : Mr.E.Antony Sahaya Prabhar
Additional Government Pleader
For R2 : Mr.N.Thinakaran

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in in C.C.No.1464 of 2020 pending on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District.

2. The case of the prosecution is that the dispute between the second respondent brother's daughter and the wife of the 6th petitioner regarding taking water. On 05.11.2018, at about 04.30 p.m, the petitioners are said to have abused with filthy language, beaten and threatened the second respondent. Hence the complaint has been preferred against the petitioners. The petitioners herein are arrayed as an accused No.1 to 6 and 9 and there were charged for the offences punishable under Sections 147, 294(b), 506(ii) and 352 of IPC in Crime No.314 of 2018.



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3. The learned counsel for the petitioners submitted that the petitioners/Accused Nos. 1 to 6 and 9 and the second respondent compromised the matter and settled the dispute out of the Court and to that effect, a compromise memo has been filed. The parties are relatives. Since remaining accused 7, 8 and 10 are not available in India, they have not filed any compromise memo.

4.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners/ Accused No.1 to 6 and 9 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 Additional Public Prosecutor and Mr.B.Nainar, HC 2321, Koodankulam Police Station, Tirunelveli District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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6. 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, 294(b), 506(ii) and 352 of IPC.

7. 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.

8. 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.1464 of 2020 pending before the learned Judicial Magistrate, Radhapuram, Tirunelveli District, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.1464 of 2020, on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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Internet:Yes./No

Index:Yes/no

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To

- 1.The learned Judicial Magistrate,
Radhapuram, Tirunelveli District.
2. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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