



CRL.O.P (MD) No.11403 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.11403 of 2022

G.Maheshwaran

...Petitioner/Sole Accused

Vs.

1.The Sub Inspector of Police,
Veerapandi Police Station,
Theni District.
(Crime No.617 of 2010)

... 1st Respondent/Complainant

2.Ramesh

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the above charge sheet in C.C.No.450 of 2011 on the file of the Judicial Magistrate, Theni and quash the same.

For Petitioner : Mr.C.Jeganathan

For R1 : Mr.E.Antony Sahaya Prabhakar
Additional Public Prosecutor

For R2 : Mr.K.Rajeshwaran

ORDER

This petition has been filed to quash the proceeding in C.C.No.450 of 2011 on the file of the learned Judicial Magistrate, Theni as against the petitioner.



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2.The case of the prosecution is that the petitioner used to purchase broiler chicken from the second respondent/defacto complainant and in such course of business transactions, it is alleged that the petitioner has to pay a sum of Rs.5.21 lakhs. When the defacto complainant/second respondent requested the petitioner to settle the balance amount immediately, a wordy quarrel arose between them, in which, the petitioner had physically attacked the second respondent/defacto complainant and also 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 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.K.Pounraj, SSI of Police, Veerapandi 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 with regard to the money and the



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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 406, 420 and 506(i) 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.450 of 2011 pending before the Judicial Magistrate, Theni, 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.450 of 2011 pending before the Judicial Magistrate, Theni is quashed and the terms of joint compromise memo shall form part and parcel of this order.

27.06.2022

Internet: Yes./No

Index: Yes/no

vsd

<https://www.mhc.tn.gov.in/judis>



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V.SIVAGNANAM, J.

vsd

To

1.The Judicial Magistrate,
Theni.

2.The Sub Inspector of Police,
Veerapandi Police Station,
Theni District.

3.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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