



Crl.O.P.(MD) No.11666 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.11666 of 2022

1. S.Ramkumar Vignesh,

2. S.Vimal,

3. R.Shanmugasundaram,

: Petitioners

Vs

1. The State represented by
The Inspector of Police,
Pettai Police Station,
Tirunelveli City,
Tirunelveli District.
(Crime No. 298/2021).

2. S.Ramya,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the case in P.R.C No. 76/2022 on the file of the learned Judicial Magistrate No.V, Tirunelveli in connection with the Crime No. 298/2021, on the file of the respondent police and quash the same.



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For Petitioners : M/s.Jeyakumaran J,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in P.R.C No. 76/2022 on the file of the learned Judicial Magistrate No.V, Tirunelveli, for the offences punishable under Sections 294(b), 342, 307, 34 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.298 of 2021.

2.The case of the prosecution is that due to family dispute, the petitioners assaulted the defacto complainant and her husband, with knife and caused injuries. Hence the complaint.

3.The learned Government Advocate (Crl.Side) submitted that since the said incident took place inside the police station, departmental proceedings were initiated against Mr.Ebenazer, Sub Inspector of Police, Mr.Ravi, Special Sub Inspector of Police and Mr.Venketesh, Head



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Constable and their increment for one year was stopped.

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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.Muthuraj, SSI of Police, Pettai Police Station, Tirunelveli 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



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offence under Sections 294(b), 342, 307, 34 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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 P.R.C No. 76/2022 on the file of the learned Judicial Magistrate No.V, Tirunelveli, 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 P.R.C No. 76/2022 on the file of the learned Judicial Magistrate No.V, Tirunelveli, is quashed and the terms of joint compromise memo shall form part and parcel of this order.



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9.Since the dispute is amicably settled between the parties, the Commissioner of Police, Tirunelveli City, is directed to reconsider the punishment imposed on Mr.Ebenazer, Sub Inspector of Police, Mr.Ravi, Special Sub Inspector of Police and Mr.Venketesh, Head Constable and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

20.07.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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Copy to

The Commissioner of Police,
Tirunelveli City.

To

1.The Inspector of Police,
Pettai Police Station,
Tirunelveli City,
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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