



Crl.O.P.(MD) No.11623 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.11623 of 2022

Marimuthu,

: Petitioner

Vs

1. State represented by
The Inspector of Police,
Soorangudi Police Station,
Thoothukudi District

2. Ramalakshmi,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in connection with the C.C No. 191 of 2015 on the file of the learned Judicial Magistrate, Vilathikulam, Thoothukudi district and quash the same as illegal as against the petitioner.

For petitioner : M/s.Pandiarajan P,
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.191 of 2015 on the file of the learned Judicial Magistrate, Vilathikulam, Thoothukudi district, for the offences punishable under Sections 294(b) and 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.104 of 2015.

2.The case of the prosecution is that a cow, which belongs to the second respondent trespassed into the petitioner's house and drank some water. Due to this, there was a wordy quarrel between them and then, the petitioner attacked the second respondent. 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.



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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.G.Alagu Raj, Gr-I of Police, Soorankudi Police Station, Thoothukudi District 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 offence under Sections 294(b) and 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

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**



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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.191 of 2015 on the file of the learned Judicial Magistrate, Vilathikulam, Thoothukudi district, 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.191 of 2015 on the file of the learned Judicial Magistrate, Vilathikulam, Thoothukudi district, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

04.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To
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- 1.The Inspector of Police,
Soorangudi Police Station,
Thoothukudi District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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