



Crl.O.P.(MD) No.11794 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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1. Ochubalu

2. Chellaveerammal

3. Thandeeswaran

4. Kannan

... Petitioners

Vs

1. The Sub Inspector of Police,
Karimedu Police Station, Madurai City.
Crime.No. 382 of 2017.

2. Mathan Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to quash the Charge sheet in CC.No.1463 of 2019 on the file of
Judicial Magistrate No.5 Court, Madurai.



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For petitioners : Mr.R.Gandhi

For Respondents : Mr.E.Antony Sahaya Prabakar (R1)
Additional Public Prosecutor
Mr.K. Kubendiran(R2)

ORDER

This Criminal Original Petition has been filed to quash the Charge Sheet in CC.No.1463 of 2019 on the file of Judicial Magistrate No.5 Court, Madurai.

2.The case of the prosecution is that the defacto complainant's company had arranged home loan to the first accused's wife and for asking commission, the defacto complainant went to the house of first accused. The petitioners were abused the defacto complainant with filthy language, assaulted and also they confined him in that house and released him in the evening. 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. In this case, there are totally five accused. During the course of trial, the



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fifth accused died. The petitioners are A1 to A4 and they settled their matter with the victim. The petitioners and the defacto complaint settled their issue out of Court and hence the defacto complainant did not want to continue the criminal proceedings against the petitioners.

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.K.Saleem Shet, SSI of Police, C5 Karimedu 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 matter, the High Court has to power to quash the complaint for the offence under Sections 147, 148, 342, 294(b), 323, 324, 506(ii) IPC.



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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.1463 of 2019 pending before the learned Judicial Magistrate No.5, Madurai, 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.1463 of 2019, on the file of the learned Judicial Magistrate No.5, Madurai is quashed and the terms of joint compromise memo shall form part and parcel of this order.

01.07.2022

Internet:Yes
Index:Yes/No
PNM



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To

1.The Judicial Magistrate No.5, Madurai

2. The Sub Inspector of Police,
Karimedu Police Station, Madurai City.
Crime.No. 382 of 2017.

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



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V.SIVAGNANAM, J.

PNM

ORDER IN

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