



Crl.O.P.(MD) No.11769 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.11769 of 2022

1.Sarathkumar

2.Arasan @ Arasanrai

3.Jeeva

...Petitioners/Accused Nos.1 to 3

Vs.

1.The State represented by
The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
(Crime No.139 of 2020)

... Respondent No.1/
Complainant

2.Ramanathan

...Respondent No.2/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records and quash the charge sheet in
C.C.No.136 of 2021 on the file of the learned Judicial Magistrate Court,
Paramakudi.



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For Petitioners : Mr.C.Senthil Murugan
For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in C.C.No.136 of 2021 on the file of the learned Judicial Magistrate Court, Paramakudi.

2. The case of the prosecution is that on 07.05.2020, while playing cricket, a dispute was arose between the petitioners and the son of defacto complainant. Hence, a complaint was registered by the second respondent. After completion of investigation, charge-sheet has been laid and it has been taken cognizance in C.C.No.136 of 2021 on the file of the learned Judicial Magistrate Court, Paramakudi and it is pending for trial.

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 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 S.Janci Reeda, SSI of Police, Nainarkovil Police Station, Ramanathapuram District as well as by the learned Counsels appearing for both 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), 323, 324, 506(ii) I.P.C and Section 4 of TNPHW 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 of Gujrath reported in (2017)9 SCC 641*** were taken into consideration.



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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.136 of 2021 pending before the learned Judicial Magistrate Court, Paramakudi, 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.136 of 2021 on the file of the learned Judicial Magistrate Court, Paramakudi, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
Nsr



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- 1.The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
- 2.The Judicial Magistrate Court,
Paramakudi
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



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V.SIVAGNANAM, J.

Nsr

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