



CrI.O.P.(MD) No.11967 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.11967 of 2022

1.S.Wilson Ganamani @ Vilsamani

2.J.Pratheep @ Anti Pratheep

3.K.Selvan @ Selvakumar

...Petitioners/Accused Nos.2 to 4

Vs.

1.The State represented through
The Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No.227 of 2007)

... Respondent No.1/
Complainant

2.R.Shanmuga Perumal

...Respondent No.2/
Defacto Complainant

3.R.Selvan

...Respondent No.3/Injured

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to quash in C.C. No. 130 of 2007 on the file of the Judicial
Magistrate No. I, Nagercoil and quash the same.



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For Petitioners : Mr.K.A.Raamakrishnan
For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed to to quash the case in C.C.No.130 of 2007 on the file of the Judicial Magistrate No. I, Nagercoil.

2.The case of the prosecution is that there was a quarrel between the petitioner and the third respondent in the marriage function. Due to wordy quarrel arose between them, the petitioners attacked the third respondent and he was injured. Hence, a complaint was registered by the second respondent, who is the brother of the third respondent. After completion of investigation, charge-sheet has been laid and it has been taken cognizance in C.C.No.130 of 2007 on the file of the Judicial Magistrate No. I, Nagercoil. and it is pending for trial.



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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 private respondents and also by their respective counsel. The petitioners and the private respondent were also present in person before this Court and they were identified by Mr.R.YesuRajan, SSI of Police, Kanyakumari Police Station 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, 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.130 of 2007 pending before the learned Judicial Magistrate No. I, Nagercoil, 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.130 of 2007 on the file of the Judicial Magistrate No. I, Nagercoil. 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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To

- 1.The Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
- 2.The Judicial Magistrate No. I,
Nagercoil.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

Nsr

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