



CRL.O.P (MD) No.12958 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.12958 of 2022

1.Premalatha
2.Sekar
3.Vijeyan

...Petitioners/Accused

Vs

1.The Inspector of Police,
District Crime Branch,
Madurai District.

...1st Respondent/Complainant

2.Giridharan

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records pertaining to the charge sheet in C.C.No.53 of 2017 pending on the file of the Judicial Magistrate No.1, Madurai and quash the same.

For petitioner	: Mr.R.Ramasamy
For R1	: Mr.A.Albert James Government Advocate (Crl.Side)
For R2	: Mr.P.Pandi



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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.53 of 2017 pending on the file of the learned Judicial Magistrate No.1, Madurai.

2.It is stated by the petitioners that the defacto complainant is the first petitioner's brother's son. When the civil suit was pending, a criminal case has been registered against the petitioners and the same was taken on file in C.C.No.53 of 2017 by the learned Judicial Magistrate No.1, Madurai.

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 signed by the petitioners and the second respondent and also by their respective counsel has been filed before this Court. The third petitioner/A3 and the second respondent were also present in person before this Court and they were identified by Mr.R.Nagamani, SSI of Police, District Crime Branch, Madurai District.



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The second petitioner/A2 was admitted in the hospital and taking treatment in a serious condition. The first petitioner, who is the wife of the second petitioner is also with the second petitioner in treatment. 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 the power to quash the complaint for the offence under Sections 120(b), 468, 471 and 420 of IPC.

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.53 of 2017 pending before the learned Judicial



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Magistrate No.1, 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.53 of 2017 pending before the learned Judicial Magistrate No.1, Madurai, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

22.07.2022

Internet:Yes./No
Index:Yes/no
vsd

To

- 1.The Judicial Magistrate No.1,
Madurai.
- 2.The Inspector of Police,
District Crime Branch,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

ORDER IN
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