



Crl.O.P.(MD) No.12422 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.12422 of 2022

1. Soundarrajan
2. Vijayakumar

... Petitioners

Vs.

1. The Inspector of Police
Paramakudi Town Police Station
Ramanathapuram District

2. Umamaheshwari

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the case in CC No.278 of 2019 on the file of the learned Judicial Magistrate, Paramakudi and quash the same.

For Petitioners : Mr.S.Ramasamy
For Respondents : Mr.E.Antony Sahaya Prabahar
No.1 Additional Public Prosecutor



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in CC No.278 of 2019 on the file of the learned Judicial Magistrate, Paramakudi, for the offences punishable under Sections 294(b),324,506(2),323 of IPC and Section 4 of TNPHW Act , in Crime No.271 of 2018.

2.The case of the prosecution is that due to some previous enmity regarding fetching of water from borewell, the petitioners herein along with other accused said to have abused the defacto complainant, attacked her and also one Saravanakumar and threatened them with dire consequences. Hence the present case came be registered. After completion of investigation, filed final report before the learned Judicial Magistrate, Paramakudi and the same has been taken cognizance in CC No.278 of 2019.



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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 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.Karthikeyan, SSI of Police, Paramakudi Town Police Station 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, counter case has also been registered 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),324,506(2), 323 of IPC and Section 4 of TNPHW Act.



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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 CC No.278 of 2019 on the file of the learned Judicial Magistrate, 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 CC No.278 of 2019 on the file of the learned Judicial Magistrate, 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
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To

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



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V.SIVAGNANAM, J.

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