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CrI.O.P.(MD)No.12674 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.12674 of 2022

1.Ramkumar @ Ramkumaran

2.Antony Subash

3.Annadurai

4.Sathish @ Sathish Kumar

5.Anand

6.Sheik @ Sheik Mohammed

... Petitioners/
Accused 1 to 6

vs.

1.The State rep.by
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
Crime No.1017 of 2010.

...1st Respondent/Complainant

2.G.Vivekanandan

... 2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the records in connection with C.C.No.425 of 2017 on the file of the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District in Crime No.1017 of 2010 on the file of the Inspector of Police,



Thoothukudi North Police Station, Thoothukudi District and consequently quash the same.

For Petitioners : Mr.J.Sankara Pandian,

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor for R1

Mr.S.Ashok, for R2

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.425 of 2017 on the file of the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District in Crime No.1017 of 2010 on the file of the Inspector of Police, Thoothukudi North Police Station, Thoothukudi District

2. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. 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 defacto



complainant/second respondent were present in person before this Court and they have been duly identified by their respective counsel. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.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 power to quash the complaint for the offence under Sections 147, 294(b), 341, 323, 324 and 506(ii) 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 Gujraath*** 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.425 of 2017 pending before the the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.425 of 2017, on the file of the the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District, is quashed as against the petitioners and the terms of joint compromise memo shall form part and parcel of this order.

15.07.2022

Index : Yes/No
Internet : Yes/No
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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