



Crl.O.P.(MD) No.13144 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.13144 of 2022

1.Prem @ Prem Ananth
2.Prasath
3.Lokeshwaran

...Petitioners

Vs.

1.State through
The Sub Inspector of Police,
Manamadurai police Station,
Sivagangai District.

...1st Respondent/Complainant

2.Tamilarasan

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the case in C.C.No.908 of 2022 pending trial on the file of the Judicial Magistrate, Manamadurai and quash the same.

For Petitioners	: Mr.S.Siva Ilayaraja
For R1	: Mr.A.Albert James Government Advocate (Crl.side)
For R2	: Mr.P.Praveen Kumar



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.908 of 2022 pending on the file of the learned Judicial Magistrate, Manamadurai, for the offences punishable under Sections 294(b), 323 and 506(ii) IPC in Crime No.541 of 2016.

2.The case of the prosecution is that while the second respondent/Defacto Complainant hails from Naranamangalam Village in Ilayangudi Taluk in Sivagangai District, the occurrence took place during the Jawuli purchase for Dewali on 28.10.2016 at 5.30 p.m., the untoward incident took place followed by wordy quarrel. Hence, the case has been registered.

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/Accused Nos.1 to 3 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.Jahangir, SSI of Police, Manamadurai Police Station as well as by the learned Counsels appearing for the parties. The Accused No.4 is not present, since the particulars of Accused No.4 are not available and the summon was not served to him. 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 and 506(ii) 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



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(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.908 of 2022 pending on the file of the learned Judicial Magistrate, Manamadurai, 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.908 of 2022 on the file of the learned Judicial Magistrate, Manamadurai is quashed and the terms of joint compromise memo shall form part and parcel of this order.

26.07.2022

Internet:Yes
Index:Yes/No
vsd



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To

- 1.The Judicial Magistrate,
Manamadurai.
- 2.The Sub Inspector of Police,
Manamadurai police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

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