



Crl.O.P.(MD) No.13896 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13896 of 2022

Mahesh

... Petitioner/Accused No.1

Vs

1. The State Represented by
The Sub Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
In Crime No.538 of 2014)

... 1st Respondent/ Complainant

2. Rajkumar

... 2nd Respondent/ Defacto Complainant

3. Nivas

.... 3rd Respondent/ Victim

4. Ajith

.... 4th Respondent/Victim

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.57 of 2021, on the file of the learned Judicial Magistrate No.III, Nagercoil, and to quash the same against the petitioner alone.

For Petitioner : Mr.G.Aravinthan

For R1 : Mr.A.Albert James
Government Advocate (Crl.side)

For R2 to R4 : Ms. M.Nandhini Priyadharshini



Crl.O.P.(MD) No.13896 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.57 of 2021, on the file of the Judicial Magistrate No.III, Nagercoil, in Crime No.538 of 2014, for the offences punishable under Section 420 I.P.C and Sections 10 and 24 of Emigration Act., against the petitioner and others.

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. The learned counsel for the petitioner submitted that the matter has been settled out of the Court between the accused person, the defacto complainant and two victims and they have filed a Joint Memo of Compromise before this Court which have been signed by the petitioner, the defacto complainant and two victims and also by their respective counsel. The petitioner, the defacto complainant and two victims were also present in person before this Court and they were identified by the learned



Crl.O.P.(MD) No.13896 of 2022

Government Advocate (Crl.Side) and Mr.R.Kalyana Sundaram, SSI - 489, Anjugramam Police Station, Kanyakumari District. 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 to power to quash the complaint for the offences punishable under Section 420 I.P.C and Sections 10 and 24 of Emigration Act.

5. 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.

6. 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.57 of 2021 pending before the Judicial Magistrate



Crl.O.P.(MD) No.13896 of 2022

No.III, Nagercoil, even though, the offences involved are not compoundable in nature.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.57 of 2021, on the file of the Judicial Magistrate No.III, Nagercoil, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

03.08.2022

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



Crl.O.P.(MD) No.13896 of 2022

To

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1. The Sub Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.13896 of 2022

V.SIVAGNANAM, J.

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ORDER IN
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