



Crl.O.P.(MD) No.13922 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

CORAM:

THE HONOURABLE **MR.JUSTICE V.SIVAGNANAM**

Crl.O.P.(MD) No.13922 of 2022
and Crl.M.P(MD) Nos.8931 and 8932 of 2022

1. Backiam(wrongly mentioned in the FIR as Packiam)
2. Muniyandisamy(koolu) @ Muthumuniyandi
3. Saravanan .. Petitioners

Vs.

1. The Inspector of Police
Thiruppachetti Police Station,
Sivagangai District
2. Palaniselvam'
3. ThirumalRespondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records pertaining to the charge sheet in CC No.76
of 2022 on the file of the learned Judicial Magistrate, Thiruppuvanam,
Sivagangai District and quash the same.

For Petitioners : Mr.D.S.Haroon Rasheed
For Respondents : Mr.A.Albert James
No.1 Government Advocate (Crl.Side)
No.2& 3 : Mr. A.Balaji



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in CC No.76 of 2022 on the file of the learned Judicial Magistrate, Thiruppuvanam, Sivagangai District.

2.The case of the prosecution is that due to election dispute, on 12.11.2016 at about 3.00 pm., when the defacto complainant was sitting near the temple, the accused persons abused the defacto complainant and also threatened him dire consequences. When the father of the defacto complainant tried to pacify the issue both the accused attacked him. Hence the case came to be registered. After investigation filed final report and the same has been taken cognizance.

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 and the second and third respondents and also by their respective counsel. The petitioners and the second and third respondent were also present in person before this Court and they were identified by Mr.K.Rajamani, SSI of Police, Thiruppachetti 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 parties have compromised the matter out of court. Where the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b),323,324 and 506(2) 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**



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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.76 of 2022 on the file of the learned Judicial Magistrate, Thiruppuvanam, Sivagangai District 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.76 of 2022 on the file of the learned Judicial Magistrate, Thiruppuvanam, Sivagangai District is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently connected miscellaneous petitions are closed.

22.08.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

1. The Judicial Magistrate, Thiruppuvanam, Sivagangai District
2. The Inspector of Police
Thiruppachetti Police Station,
Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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