



Crl.O.P.(MD) No.13612 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13612 of 2022

1. Bala Saravanan
2. Sathish Kumar
3. Inthira

... Petitioners/ Accused Nos.1 to 3
Vs

1. The State Represented by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(in Crime No.127 of 2019)

.... 1st Respondent /Complainant

2. Dhamothran

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and to quash the final report as far as the petitioners are concerned in C.C.No.163 of 2021, on the file of the Judicial Magistrate Court, Valliyoor, Tirunelveli District.

For Petitioners : Mr.S.Micheal Heldon Kumar

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

For R2 : Mr.Shaazim Shagar



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.163 of 2021, on the file of the Judicial Magistrate Court, Valliyoor, Tirunelveli District, in Crime No.127 of 2019, for the offences punishable under Sections 442, 294(b), 323, 324, 427, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, dated 14.06.2019, on the file of the first respondent Police.

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 petitioners submitted that it is a case and case in counter. The defacto complainant and the accused persons settled the matter out of the Court and they have been filed a Joint Memo of Compromise 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



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this Court and they were identified by the learned Government Advocate (Crl.Side) and Mr.P.Subramanian, Inspector of Police, Pazhavor Police Station, Tirunelveli 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 Sections 442, 294(b), 323, 324, 427, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women 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



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proceedings in C.C.No.163 of 2021 pending before the Judicial Magistrate Court, Valliyoor, Tirunelveli District, 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.163 of 2021, on the file of the Judicial Magistrate Court, Valliyoor, Tirunelveli District, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

28.07.2022

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

1. The Judicial Magistrate Court,
Valliyoor, Tirunelveli District.
2. The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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