



Crl.O.P.(MD) No.13620 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.13620 of 2022

1. Pebin Raj
2. Manikandan
3. Arun Raja

... Petitioners/ Accused No.1 to 3
Vs

1. The State Represented by
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
Crime No. 215 of 2021

.... 1st Respondent /Complainant

2. Muthu Pemilan

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the final report as far as the petitioners are concerned in C.C.No.97 of 2022 on the file of the Judicial Magistrate Court, Vallioor, Tirunelveli District.

For Petitioners	: Mr.S.Micheal Heldon Kumar
For R1	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor
For R2	: Mr.Shaazim Saagar



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ORDER

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The Criminal Original Petition has been filed to quash the proceedings in C.C No.97 of 2022, on the file of the learned Judicial Magistrate Court, Vallioor, Tirunelveli District, in Crime No.215 of 2021 for the offences punishable under Sections 147, 294(b), 323, 324 and 506(1) I.P.C, 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 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 this Court and they were identified by the learned Additional Public



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Prosecutor and Mr.P.Subramanian, 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 147, 294(b), 323, 324 and 506(1) I.P.C.

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.97 of 2022 pending before the Judicial Magistrate Court, Valliyoor, Tirunelveli District, even though, the offences involved are not compoundable in nature.



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7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.97 of 2022, on the file of the Judicial Magistrate Court, Vallioor, 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 Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
2. 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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