



Crl.O.P.(MD) No.14262 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14262 of 2022

and

Crl.M.P(MD)Nos.9199 and 9200 of 2022

1. S.Renjith Singh,

2. S. Emil Jebasingh,

3. Ben Clinton,

4. Prabin,

5. M.Johnson,

: Petitioners

Vs

1. State represented by
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.71/2021).

2. Bensam,

: Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the Charge Sheet in C.C.No. 436/2022, on the file of the learned Judicial Magistrate, Valliyoor and quash the same in respect of the petitioners as illegal.

For Petitioners	: Mr.Mayilvahana Rajendran.C,
For R1	: Mr.A.Albert James, Government Advocate (Crl.Side)
For R2	: Mr.M.R.Sreenivasan

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.436/2022, on the file of the learned Judicial Magistrate, Valliyoor, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 341 and 506(2) of IPC, in Crime No.71 of 2021.

2.The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant with filthy language, attacked him with legs, hands and stick and also threatened with dire



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.

4. A Joint Memo of Compromise has been filed 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 Mr.P.Radha Krishanan, SI of Police, Puthukkadai 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 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



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offence under Sections 147, 148, 294(b), 323, 324, 341 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 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.436/2022, on the file of the learned Judicial Magistrate, Valliyoor 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.436/2022, on the file of the learned Judicial Magistrate, Valliyoor is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently,



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connected miscellaneous petitions are closed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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Note: Issue Order copy on 29.08.2022

To

1. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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V.SIVAGNANAM, J.

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