



Crl.O.P.(MD) No.14260 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14260 of 2022

K.Arunbabu

... Petitioner/ Sole Accused

Vs

1. The State Represented by
The Inspector of Police,
Town North Police Station,
Dindigul,
Dindigul District.
(in Crime No.423 of 2013)

.... 1st Respondent /Complainant

2. A.Mohamed Mustafa

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the impugned Charge Sheet in C.C.No.608 of 2016, on the file of the learned Special Magistrate in Judicial Magistrate No.II, Dindigul, and quash the same.

For Petitioner : Mr.K.Sivabalan

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : Mr.E.Balasubramanian



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ORDER

This Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.608 of 2016, on the file of the learned Special Magistrate in Judicial Magistrate No.II, Dindigul, in Crime No.423 of 2013, for the offences punishable under Sections 323 and 506(i) 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. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by the learned Additional Public Prosecutor and Mr.C.D.Sakthivel, Inspector of Police, Town North Police Station, Dindigul District. This Court also



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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 323, and 506 (i) 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.608 of 2016 pending before the learned Special Magistrate in Judicial Magistrate No.II, Dindigul, 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.608 of 2016, on the file of the learned Special Magistrate in Judicial Magistrate No.II, Dindigul, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

10.08.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Special Magistrate in
Judicial Magistrate No.II,
Dindigul,
2. The Inspector of Police,
Town North Police Station,
Dindigul,
Dindigul 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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