



Crl.O.P.(MD) No.14380 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.14380 of 2022

Anbareesan

...Petitioner/sole accused

vs.

**1. The State represented by the
Inspector of Police,
Silaiman Police Station,
Madurai District.
in Crime No.49 of 2015**

...1st respondent/Complainant

2. Shenbagapandi

**...2nd Respondent/Defacto
Complainant**

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of pending charge sheet in STC No.210 of 2022 before the learned Judicial Magistrate No.II, Madurai, in Crime No.49 of 2015 on the file of the 1st respondent police.

For Petitioner : Mr.J. Vijayaraja

**For R-1 : Mr.Albert James
Government Advocate (crl. side)**

For R-2 : Mr.Aathi Arul Vel



Crl.O.P.(MD) No.14380 of 2022

ORDER

WEB COPY

The Criminal Original Petition has been filed to quash the Charge Sheet in STC No.210 of 2022 pending on the file of the learned Judicial Magistrate No.II, Madurai, for the offences punishable under Sections 294(b) & 427 of IPC, in Crime No.49 of 2015.

2. The case of the prosecution is that the petitioner scolded the defacto complainant by using filthy language and also caused damage to the car of the defacto complainant by stone and caused loss for a sum of Rs. 75/-. Hence, the complaint.

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 petitioner and the second respondent and also by their respective counsel. The petitioner and the second



Crl.O.P.(MD) No.14380 of 2022

respondent were also present in person before this Court and they were identified by Mr.P.Senthil, SSI, Silaiman 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 offence under Sections 294(b) & 427 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



Crl.O.P.(MD) No.14380 of 2022

the proceedings in S.T.C.No.210 of 2022 pending before the learned Judicial Magistrate No.II, Madurai, 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 S.T.C.No.210 of 2022 pending before the learned Judicial Magistrate No.II, Madurai, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

26.08.2022

Internet:Yes
Index:Yes/No
ksa



WEB COPY



Crl.O.P.(MD) No.14380 of 2022

To

1. The Inspector of Police,
Silaiman Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



WEB COPY



Crl.O.P.(MD) No.14380 of 2022

V.SIVAGNANAM, J.

ksa

Crl.O.P.(MD) No.14380 of 2022

26.08.2022