



Crl.O.P.(MD) No.14066 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14066 of 2022

1. Murugan
2. Pitchaikannau ... Petitioners

Vs.

1. The Inspector of Police
Eral Police Station
Tuticorin District.

2.PitchammalRespondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records of the charge sheet in S.C.No.344 of 2018
pending on the file of the Sub Court, Tiruchendur and quash the same.

For Petitioners	: Mr.A.Angusamy
For Respondents	: Mr.A.Albert James
No.1	Government Advocate(Crl.Side)
No.2	: Mr.A.Balaji



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in S.C.No.344 of 2018 pending on the file of the Sub Court, Tiruchendur

2.The case of the prosecution is that due to previous enmity the petitioners herein abused the defacto complainant, assaulted and also threatened with dire consequences. Hence he gave complaint before the first respondent. The first respondent after completion of investigation, filed final report before the Sub Court, Tiruchendure and the same has been taken cognizance in S.C.No.344 of 2018.

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



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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.S.Mani, SSI of Police, Eral Police Station, Thoothukudi District 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 between the husband and wife and his families 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 341,294(b),324,307 and 506(ii) 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.



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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 S.C.No.344 of 2018 pending on the file of the Sub Court, Tiruchendur, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the entire proceedings in S.C.No.344 of 2018 pending on the file of the Sub Court, Tiruchendur is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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Internet:Yes
Index:Yes/No
Speaking/Non speaking order
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To
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1. The Sub Court, Tiruchendur
2. The Inspector of Police
Eral Police Station
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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