



Crl.O.P.(MD) No.14340 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:12.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14340 of 2022

1. Selvakumar,

2. Abinesh,

3. Vignesh,

: Petitioners

Vs

1.State represented by
The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
Crime No. 68/2022.

2. Manikandan,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the charge sheet in C.C No. 620 of 2022, on the file of the learned Judicial Magistrate No.I, Nagercoil and quash the same.



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For Petitioners : M/s.Saravanakumar P,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.S.P.Vasanth

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C No. 620 of 2022, on the file of the learned Judicial Magistrate No.I, Nagercoil, for the offences punishable under Sections 427, 294(b), 324 and 506(2) of IPC, in Crime No.68/2022.

2.The case of the prosecution is that due to previous enmity, the petitioners broken the second respondent's window-glass with stones, abused him with with filthy language, assaulted him with knife and also threatened him with dire consequences. 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.



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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.V.Palani, SSI of Police, Asaripallam Police Station, Kanyakumari 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 427, 294(b), 324 and 506(2) 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**



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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 C.C No. 620 of 2022, on the file of the learned Judicial Magistrate No.I, Nagercoil, 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. 620 of 2022, on the file of the learned Judicial Magistrate No.I, Nagercoil is quashed and the terms of joint compromise memo shall form part and parcel of this order.

12.08.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
lr



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



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V.SIVAGNANAM, J.

lr

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