



Crl.O.P.(MD) No.14926of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14926 of 2022

1.Sethuraman
2.Aravind Karthick
3.Kamaleshwaran .. Petitioners

Vs.

1. The Inspector of Police
Srirangam Police Station
Trichy District
2. Seevasan @ SrinivasanRespondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the proceedings in CC No. 295 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Srirangam, Trichy District and quash the same.

For Petitioners : Mr.M.Yesudasan
For Respondents : Mr.A.Albert James
No.1 Government Advocate (Crl.Side)
No.2 : Mr. N.Balasubramanian



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in CC No.295 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Srirangam, Trichy District

2.The case of the prosecution is that on 21.03.2018 the petitioners herein in order to create chaos came in front of the said shop , in which the defacto complainant was working as an employee and started to yell in abusive language. The defacto complainant responded by questioning the same, which provoked the petitioners herein and started assaulting him with deadly weapons. Hence the case came to be registered. After investigation filed final report and the same has been taken cognizance.

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.D.Lawrance, SSI of Police, Srirangam 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 parties have compromised the matter out of court. Where the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b), 323 and 326 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 CC No.295 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Srirangam, Trichy District 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 CC No.295 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Srirangam, Trichy District is quashed and the terms of joint compromise memo shall form part and parcel of this order.

22.08.2022

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

1. The District Munsif cum Judicial Magistrate, Srirangam,
Trichy District
2. The Inspector of Police
Srirangam Police Station
Trichy District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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