



Crl.O.P.(MD) No.14381 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14381 of 2022

1. Ganesh Kumar
2. Balasubramanian

... Petitioners

Vs.

1. The Inspector of Police
Puliyampatti Police Station
Thoothukudi District

2.Arumugam

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the charge sheet in CC No.61 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti and quash the same.

For Petitioners	: Mr.M.Prabu
For Respondents	: Mr.A.Albert James
No.1	Government Advocate(Crl.Side)
No.2	:Mr.R.Balakrishnan



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in CC No.61 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti.

2.The case of the prosecution is that due to some money dispute the petitioners herein abused the defacto complainant,attacked him with aruval and threatened with dire consequences, hence the case came to be registered. After completing the investigation final report has been filed before the learned Judicial Magistrate No.I, Kovilpatti and the same has been taken cognizance in C.C.No.61 of 2017.

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.Gopi, SSI of Police, Puliampatti 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 regarding money between father and son and they have compromised the matter out of court. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 324,326 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 CC No.61 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti, 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.61 of 2017 on the file of the learned Judicial Magistrate No.I, Kovilpatti 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
aav

To

1. The Judicial Magistrate No.II, Trichy
2. The Inspector of Police
Land Grabbing Special Cell

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Trichy District
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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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