



Crl.O.P.(MD) No.14350 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14350 of 2022

1. Kaliraj
2. Kaliyappan
3. Veerakkal
4. Sundari

... Petitioners/ Accused Nos.1 to 4

Vs

1. The Inspector of Police,
Thirumangalam AWPS Police Station,
Madurai District.
In Crime No.28 of 2018.

.... 1st Respondent /Complainant

2. Thenmozhi

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.56 of 2021 in Crime No.28 of 2018, on the file of the learned Judicial Magistrate, Thirumangalam as against the petitioners and quash the same.

For Petitioners : Mr.S.Sivaprakash

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : Mr.B.Viswanathan



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.56 of 2021, on the file of the Judicial Magistrate Court, Thirumangalam, in Crime No.28 of 2018, for the offences punishable under Sections 498 (A), 406 and 506(1) I.P.C., on the file of the first respondent Police.

2.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The learned counsel for the petitioners submitted that the defacto complainant and the accused persons are relatives. They settled the matter out of the Court and they have been filed a Joint Memo of Compromise before this Court which have been signed by the petitioners and the second respondent. The petitioners and the second respondent were also present in person before this Court and they were identified by the learned Additional Public Prosecutor and Mrs.S.Sankari, WHC – 2178, Thirumangalam All



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Women Police Station, Madurai District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 offences punishable under Sections 498 (A), 406, and 506(1) I.P.C.

5. 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.

6. 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.56 of 2021 pending before the Judicial Magistrate Court, Thirumangalam, even though, the offences involved are not compoundable in nature.



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7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.56 of 2021, on the file of the Judicial Magistrate Court, Thirumangalam, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

10.08.2022

Internet: Yes./No
Index: Yes/no
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To

1. The Judicial Magistrate Court,
Thirumangalam.
2. The Inspector of Police,
Thirumangalam AWPS Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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