



Crl.O.P.(MD) No.14530 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14530 of 2022

and

Crl.M.P(MD)No.1000 of 2022

1.V.Ramanathan

2.D.Karthick @ Karthik

3.D.Alexpandian @ Alexpandiyan ...Petitioners/A-1, 2 & 4

/Vs/

1.The Inspector of police,
Bazaar Police Station,
Virudhunagar District.
(In Crime No.465 of 2015)

...R-1/Complainant

2.A.Kamalakannan

...Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the Charge Sheet in S.C.No.252 of 2016 in Crime no.465 of 2015 pending on the file of the Assistant Sessions Court, Virudhunagar and quash the same so far as the petitioners concerned as illegal.



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For Petitioners : Mr.C.M.Arumugam
For R-1 :Mr.A.Albert James,
Government Advocate (crl. side)
For R-2 :Mr.M.Alaudheen

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in S.C.No.252 of 2016 pending on the file of the Assistant Sessions Court, Virudhunagar, for the offences punishable under Sections 341, 324, 326, 307 r/w 34 of IPC, in Crime No.465 of 2015.

2.The case of the prosecution is that due to previous enmity between the 1st petitioner herein/A-1 and the defacto complainant, on 25.11.2015 at about 07.00 p.m., the defacto complainant and his father went near Kamarajar Salai and the same was informed to A-1 by A-4 over phone. At that time, A-3/deceased thrown up Chilli powder upon the defacto complainant and A-2 attacked the defacto complainant with knife.



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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 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.C.Logithasan, SSI of Police, Bazaar Police Station, Virudhunagar 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 341, 324, 326, 307 r/w 34 of IPC.



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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 Gujrat** reported in **(2017)9 SCC 641** were taken into consideration.

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.252 of 2016 pending before the Assistant Sessions Court, Virudhunagar, 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 in S.C.No.252 of 2016 pending before the Assistant Sessions Court, Virudhunagar, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

17.08.2022

Internet:Yes

Index:Yes/No

ksa

Note : Issue a copy of order on 22.08.2022

4/6



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- 1.The Assistant Sessions Court,
Virudhunagar.
- 2.The Inspector of police,
Bazaar Police Station,
Virudhunagar District.
(In Crime No.465 of 2015)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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