



Crl.O.P.(MD) No.14954 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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1. V.M.S.Mohamed Mubarak,
2. Bishmi Haja @ Haja Mohideen,
3. Shahul Hameed Usmani @ Shahul Hameed
4. Meeran Mohyideen,
5. Vitrilai Ali @ Abdul Kadar,
6. Moosul Kazhim,

: Petitioners

Vs

1.The State represented through
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
(In Crime No.252/2014).

2. Syed Mohideen,

: Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the impugned Charge Sheet filed in C.C.No.575/2016 on the file of the learned Judicial Magistrate Court No.V, Tirunelveli and to quash the same as illegal.

For Petitioners	: Mr.Karunanidhi R,
For R1	: Mr.A.Albert James, Government Advocate (Crl.Side)
For R2	: Mr.M.Bazeerdeen

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.575/2016 on the file of the learned Judicial Magistrate Court No.V, Tirunelveli, for the offences punishable under Sections 147, 294(b), 323 and 506(1) IPC, in Crime No.252 of 2014.

2.The case of the prosecution is that due to previous enmity, the accused persons assaulted the petitioner, abused him with filthy language 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



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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.K.Andi, SSI of Police, Melapalayam 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 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 147, 294(b), 323 and 506(1) 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



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(2012)10 SCC 303 and Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath 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 C.C.No.575/2016 on the file of the learned Judicial Magistrate Court No.V, Tirunelveli 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.575/2016 on the file of the learned Judicial Magistrate Court No.V, Tirunelveli 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
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To

1.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli 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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