



Crl.O.P.(MD) No.14705 of 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.14705 of 2022

1. Esakkidass
2. Thalavai @ Thalaivaikonar .. Petitioners

Vs.

1. The Inspector of Police
Vijayanarayanam Police Station
Tirunelveli District

2. ErudhayarajRespondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the charge sheet in CC No. 379 of 2020 on the file of the learned Judicial Magistrate, Nanguneri and quash the same.

For Petitioners	: Mr.R.Maheswaran
For Respondents	: Mr.A.Albert James
No.1	Government Advocate (Crl.Side)
No.2	: Mr. C.Susikumar



Crl.O.P.(MD) No.14705of 2022

ORDER

WEB COPY

The Criminal Original Petition has been filed to quash the Charge Sheet in CC No.379 of 2020 on the file of the learned Judicial Magistrate, Nanguneri

2.The case of the prosecution is that on 12.07.2022 at about 7.15 am., the petitioner along with his friend have taken her son and sister's children in a Tata Sumo Magic Vehicle bearing Reg. No. TN 72 AM 0102 and parked the vehicle near Rengasamy's land and his children were playing, at that time, the petitioners said to have abused him by saying that the children mutilated their property and they also assaulted the second respondent with stick and caused injuries. 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.



Crl.O.P.(MD) No.14705of 2022

WEB COPY

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.S.Balakrishnan, Vijanarayanam 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),322 and 506(2) 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**



Crl.O.P.(MD) No.14705of 2022

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

WEB COPY

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.379 of 2020 on the file of the learned Judicial Magistrate, Nanguneri 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.379 of 2020 on the file of the learned Judicial Magistrate, Nanguneri 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
aav



Crl.O.P.(MD) No.14705of 2022

WEB COPY

To

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



WEB COPY



Crl.O.P.(MD) No.14705 of 2022

V.SIVAGNANAM, J.

aav

Crl.O.P.(MD) No.14705 of 2022

22.08.2022