



Crl.O.P.(MD) No.15132 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.15132 of 2022

Manimaran,

: Petitioner

Vs

1.State represented by
The Inspector of Police,
Sholavanthan Police Station,
Madurai District.
Crime No.131 of 2015

2. M.Jeya,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the charge sheet in C.C.No.23 of 2018, on the of the learned Judicial Magistrate, Vadipatti and Quash the same as illegal in so far as the Petitioner is concerned.



Crl.O.P.(MD) No.15132 of 2022

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For petitioner : Mr.Prabu M,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.R.Balakrishnan

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.23 of 2018, on the of the learned Judicial Magistrate, Vadipatti, in Crime No.131 of 2015.

2.The case of the prosecution is that after consuming alcohol, the accused persons quarrelled with the defacto complainant, attacked him with hands and also threatened him with dire consequences. Hence the complaint.

3.The learned Government Advocate (Crl.Side) submitted that in this case, Accused Nos. 1 and 2 already filed a petition in Crl.O.P(MD)No.21397/2015, before this Court, seeking to quash the FIR in Crime No.131/2015 and the petition was allowed as the parties were



Crl.O.P.(MD) No.15132 of 2022

compromised. Now, the petitioner herein filed this FIR quash petition. But, after investigation, charge sheet has been filed before the learned Judicial Magistrate, Vadipatti and the same was taken on file as C.C.No. 23/2018, which is pending for trial.

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 petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.N.Muthaiah, SSI of Police, Solavandhan 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.



Crl.O.P.(MD) No.15132 of 2022

WEB COPY

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 294(b), 323, 324, 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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.

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.23 of 2018, on the of the learned Judicial Magistrate, Vadipatti, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and



Crl.O.P.(MD) No.15132 of 2022

WEB COPY

as a sequel, the proceedings in C.C.No.23 of 2018, on the of the learned Judicial Magistrate, Vadipatti is quashed and the terms of joint compromise memo shall form part and parcel of this order.

24.08.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
lr

To

1.The Inspector of Police,
Sholavanthan Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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CrI.O.P.(MD) No.15132 of 2022

V.SIVAGNANAM, J.

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CrI.O.P.(MD) No.15132 of 2022

24.08.2022