



CrI.O.P.(MD) No.14717 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.(MD) No.14717 of 2022

Mohamed Ibrahim,

: Petitioner

Vs

1. The State represented through
The Inspector of Police,
B-1 Vilakkuthoon Police Station,
Madurai
Crime No. 528/2020.

2. Alavudeen,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the charge sheet in C.C No. 584 of 2022, on the file of the Judicial Magistrate Court No.I, Madurai and quash the same as illegal as against the petitioner.



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For petitioner : M/s.Seenisulthan.M,
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)
For R2 : Mr.J.Mohamed Ibrahim

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C No. 584 of 2022, on the file of the Judicial Magistrate Court No.I, Madurai, for the offences punishable under Sections 294(b) and 326 IPC, in Crime No.528/2020.

2.The case of the prosecution is that due to family dispute, the defacto complainant lodged a complaint against the petitioner, for which, an FIR in Crime No.528/2020 had been registered. After investigation, the charge sheet, which is now under challenge was filed.

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.



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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.K.Ravichandran, SI of Police, B-1 Vilakkuthoon Police Station, Madurai city 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 294(b) and 326 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 of Gujrath**) reported in **(2017)9 SCC 641** were taken into consideration.



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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. 584 of 2022, on the file of the Judicial Magistrate Court No.I, Madurai, 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. 584 of 2022, on the file of the Judicial Magistrate Court No.I, Madurai 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
Speaking/Non speaking order
lr



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1.The Inspector of Police,
B-1 Vilakkuthoon Police Station,
Madurai

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



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V.SIVAGNANAM, J.

lr

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