



Crl.O.P.(MD) No.14982 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14982 of 2022

Vetrivel,

: Petitioner

Vs

1. State: The Sub Inspector of Police,
Pudhukottai Police Station, Tuticorin.
(Crime No.94/2018)

2. Siva Subramaniyan,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash in C.C.No.419/2018 on the file of the Judicial Magistrate III, Tuticorin and quash the same, in so far as the petitioner.

For petitioner	: Mr.Raamakrishnan Ka,
For R1	: Mr.A.Albert James,
	Government Advocate (Crl.Side)
For R2	: Mr.S.Micheal Hildon Kumar



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ORDER

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The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.419/2018 on the file of the learned Judicial Magistrate No.III, Tuticorin, for the offences punishable under Sections 498(A), 294(b), 323 and 506(ii) of IPC, in Crime No.94/2018.

2.The case of the prosecution is that due to previous enmity, the petitioner assaulted the defacto complainant with stick, abused him with filthy language and also threatened him with dire consequences. Hence the complaint.

3.The learned Government Advocate (Crl.Side) submitted that in this case, LW-1 to LW-4 were examined before the trial Court.

4.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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5. 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.M.Siva Sakthi Vel, SSI of Police, Oudukottai Police Station, Thoothukudi District 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.

6. 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 498(A), 294(b), 323 and 506(ii) of IPC.

7. 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**



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

8. 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.419/2018 on the file of the learned Judicial Magistrate No.III, Tuticorin, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.419/2018 on the file of the learned Judicial Magistrate No.III, Tuticorin 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
lr



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To

1.The Sub Inspector of Police,
Pudhukottai Police Station, Tuticorin.

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



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V.SIVAGNANAM, J.

lr

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