



Crl.O.P.(MD) No.15234 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.15234 of 2022

1. Saminathan
2. Gurunathan

..Petitioners/A-1 & A-2

Vs.

1. The Inspector of Police
Perunazhi Police Station,
Ramanathapuram District
(Crime No.06 of 2018)

..1st Respondent/Complainant

2. Ramar

..2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the charge sheet in S.T.C.No. 123 of 2018 on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi.

For Petitioners : Mr.C.Senthil Murugan

For R-1 : Mr.A.Albert James,
Government Advocate(crl. side)

For Respondent : Mr.B. Muthu Prakash
No.2



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ORDER

The Criminal Original Petition has been filed to quash the charge sheet in S.T.C.No.123 of 2018 on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi, for the offences punishable under Sections 294(b), 323, & 506(i) of IPC, in Crime No.6 of 2018.

2.The case is under committal. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. 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.R.Shanmugasundaram, SSI of Police, Perunazhi Police Station. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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4. In the instant case, the dispute is of personal in nature and counter case has also been registered 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, & 506(i) of IPC.

5. 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.

6. 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 S.T.C.No.123 of 2018 pending on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi, even though, the offences involved are not compoundable in nature.



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7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in S.T.C.No.123 of 2018 pending on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi is quashed and the terms of joint compromise memo shall form part and parcel of this order.

25.08.2022

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

To

1. The District Munsif Cum Judicial Magistrate Court,
Kamuthi.
2. The Inspector of Police
Perunazhi Police Station,
Ramanathapuram District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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