



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P. (MD) No.15300 of 2022

WEB COPY

1. Jerald @ Jesu John Jerald
2. Waldar @ Inigo Waldar

... Petitioners/Accused 1 & 2

vs.

1. The State represented by the
Inspector of Police,
Koodangulam Police Station,
Tirunelveli District.

...1st respondent/Complainant

2. Soosai Babu

...2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to P.R.C.No.13 of 2020 on the file of the learned Judicial Magistrate, Radhapuram and quash the same.

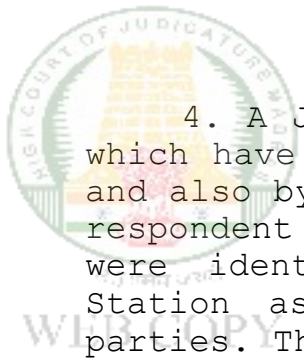
For Petitioners	: Mr.D.Venkatesh
For R-1	: Mr.Albert James
	Government Advocate (crl. side)
For R-2	: Mr.T.Leninkumar

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in P.R.C.No.13 of 2020 pending on the file of the learned Judicial Magistrate, Radhapuram, for the offences punishable under Sections 294(b), 324, 307 & 506(ii) of IPC, in Crime No.95 of 2012.

2.The case of the prosecution is that, on 27.02.2012 at about 04.00 p.m., due to wordy quarrel between the 2nd respondent/defacto complainant and the mother of the accused with regard to remove the building materials. At that time, A-1 came with a sickle and A-2 came with a knife and they abused the defacto complainant by using filthy language and A-1 caused injury on the backside neck and A-2 also caused injury on the left side neck and below the left shoulder. Thereafter, they kicked the defacto complainant and threatened with dire consequences. Hence, the complaint.

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 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.C.Sreepaul, H.C. 702, Koodangulam 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 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), 324, 307 & 506(ii) 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 of Gujra** 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 P.R.C.No.13 of 2020 pending before the learned Judicial Magistrate, Radhapuram, 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 P.R.C.No.13 of 2020, on the file of the learned Judicial Magistrate, Radhapuram, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

Ksa

To

1. The Judicial Magistrate, Radhapuram.
2. The Inspector of Police,
Koodangulam Police Station,
Tirunelveli District.



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

+1 CC to M/s.D.VENKATESH, Advocate (SR-40579[F] dated 26/08/2022)

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