



Crl.O.P.(MD) No.15512 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15512 of 2022

1. Thirunavukkarasu
2. Murugan @ Senthil Murugan
3. Saravanan

... Petitioners/ Accused No. 1, 3 & 4
Vs

1. The State Represented Through
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District – 630 610.
(Crime No.234 of 2020)

... 1st Respondent/Complainant

2. Mahendran

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire relevant records to the petitioners C.C.No.128 of 2021, on the file of the learned Judicial Magistrate Court Thiruppuvanam and quash the same against the petitioners.

For Petitioners : Mr.R.Senthilkumar

For R1 : Mr.A.Albert James
Government Advocate (Crl Side)

For R2 : Mr.S.Balasubramanian



Crl.O.P.(MD) No.15512 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.128 of 2021, on the file of the Judicial Magistrate Court, Thiruppuvanam, in Crime No.234 of 2020, for the offences punishable under Sections 324 and 506(ii) I.P.C, dated 15.09.2020, on the file of the first respondent Police.

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

3. The learned counsel for the petitioners submitted that it is a case and case in counter. The defacto complainant and the accused persons settled the matter out of the Court and they have filed a Joint Memo of Compromise 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 the learned Government Advocate



Crl.O.P.(MD) No.15512 of 2022

and Mr.A.Rajadurai, SSI, Thiruppachethi Police Station, Sivagangai District. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 offences punishable under Sections 324 and 506(ii) of I.P.C.

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 C.C.No.128 of 2021 pending before the Judicial Magistrate Court, Thiruppuvanam, even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD) No.15512 of 2022

WEB COPY

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.128 of 2021, on the file of the Judicial Magistrate Court, Thiruppuvanam, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

29.08.2022

Internet: Yes./No
Index: Yes/no
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To

1. The Judicial Magistrate Court,
Thiruppuvanam.
2. The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.15512 of 2022

V.SIVAGNANAM, J.

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ORDER IN
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