



CrI.O.P.(MD) No.15444 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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1. Santhiya @ Santhiyagu,
2. Kilbert,
3. Ranjitha @ Antony Kitheri Ranjitha
4. Parthiban,
5. Praveen @ Viyagula Dhevasaha Primin
6. Nicelin @ Sahaya Nicelin,
7. Santhacruz @ Soosai Santhacruz,
8. Parthiban @ Soosai Arul Parthiban,
9. Chandru @ Siluvai Arul Chandru,

: Petitioners

Vs

1. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
(Crime No. 48 of 2021).



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2. Jesu Kitheri,

3. Antony,

4. Santha Kurus,

5. Esthar,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of the impugned Charge Sheet in C.C.No. 80 of 2022 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli and quash the same.

For Petitioners	: Mr.Angusamy.V,
For R1	: Mr.A.Albert James,
	Government Advocate (Crl.Side)
For R2 to R5	: Mr.A.Balaji

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No. 80 of 2022 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli, for the offences punishable under Sections 147, 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.48 of 2021.



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2.The case of the prosecution is that while taking water in the panchayat water tap, the petitioners quarrelled with the private respondents and they also caused simple injuries to the private respondents. 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 respondents 2 to 5 and also by their respective counsel. The petitioners and the respondents 2 to 5 were also present in person before this Court and they were identified by Mr.J.Gnanaraj, Gr-I Police, Koodankulam Police Station, Tirunelveli 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.



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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 Sections 147, 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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.

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. 80 of 2022 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No. 80 of 2022 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli is quashed and the terms of joint compromise memo shall form part and parcel of this order.

26.08.2022

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

To
1. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

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



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V.SIVAGNANAM, J.

lr

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