



CrI.O.P.(MD) No.18021 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2022

CORAM:

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

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- 1.Berkmans
- 2.Panipitchai
- 3.Alwin
- 4.Arulldhas
- 5.Thanislous
- 6.Yesudhas
- 7.Xavier
- 8.Mariya Stanislaus @ Chinnakutty
- 9.Rajini @ Rejini

... Petitioners

Vs.

- 1.The State represented by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

2.Micheal Adimai

3.Antony Adimai

....Respondents



Crl.O.P.(MD) No.18021 of 2022

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to S.C.No.85 of 2022 on the file of the Sub-Court, Eraniel and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.M.P.Senthil

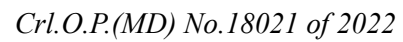
For Respondents : Mr.S.Manikandan
Government Advocate (Crl.Side)for R.1

Mr.D.Venkatesh for R.2 & R.3

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in S.C.No.85 of 2022 on the file of the Sub-Court, Eraniel.

2. The case of the prosecution is that due to previous enmity on 29.05.2010 at about 10.00 pm., when the second respondent was chatting with the third respondent in front of the house,all the accused persons gathered together and caused injuries, for which a case has been registered in Crime No.13 of 2014 and after investigation the case has been charge sheeted in S.C.No.85 of 2022 on the file of the Sub-Court, Eraniel.



4. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second and third respondents and also by their respective counsel



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5. In the instant case, the dispute between the parties have been compromised out of court. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 147, 148, 294(b), 324 and 307 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 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 S.C.No.85 of 2022 on the file of the Sub-Court, Eraniel, 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 S.C.No.85 of 2022 on the file of the Sub-Court, Eraniel is quashed and the terms of joint compromise memo shall form part and parcel of this order.

07.10.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
btr/sm

To

- 1.The Sub-Court,
Eraniel.
- 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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T.V.THAMILSELVI, J.

btr/sm

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