



Crl.O.P.(MD) No.18024 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.Sekar @ Rajasekaran
- 2.Guna @ Gunasekaran
- 3.Prabu
- 4.Balaji @ Balachandar
- 5.Vijayakumar
- 6.Thirupathi
- 7.Ramar @ Ramasamy

... Petitioners

Vs.

- 1.The State represented by
The Inspector of Police,
Town North Police Station,
Dindigul District.
(Crime No.1172 of 2016)

- 2.Pramila

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the charge sheet in P.R.C.No.67 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same as against the petitioners / Accused No.1 to 7.



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For Petitioners : Mr.C.Susi Kumar

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

Mr.R.Maheswaran for R.2

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in P.R.C.No.67 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul.

2. The case of the prosecution is that on 29.10.2016 at about 7.10 a.m., when the second respondent along with her family members were watching television in her house, the petitioners along with other accused trespassed into her house and started damaging the the house hold articles. When the same was questioned by her and her family members the petitioners threatened her with dire consequences, for which a case has been registered in Crime No.1172 of 2016 and after investigation the case has been charge sheeted in P.R.C.No.67 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul.



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3. The case is under committal. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. All the accused appeared. Based upon the complaint given by the defacto complainant FIR was lodged in Crime No.1172 of 2016 including section 3 of TNPPDL Act. P.R.C.No.67 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul was assigned by them. The petitioner is justifiable. The defacto complainant is justifiable. She is not interested further to proceed with the trial.

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 petitioner and the second respondent and also by their respective counsel

5. In the instant case, the dispute between the parties have been compromised out of court. Where the parties have compromised the



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matter, the High Court has to power to quash the complaint for the offence under Sections 147, 294(b) and 448 of IPC and Section 3(1) of the TN Public Property (PRVNT. Of Damage & Loss) Act, 1992.

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 P.R.C.No.67 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul, 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.67 of 2021 on the file of the



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learned Judicial Magistrate No.II, Dindigul 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 Judicial Magistrate No.II,
Dindigul.
- 2.The Inspector of Police,
Town North Police Station,
Dindigul 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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