



Crl.O.P.(MD)No.21835 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21835 of 2022

1.Abdul Fasith

2.Nijam @ Nijamudeen

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No.791 of 2017)

2.Jabarullah

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in S.C.No.109 of 2021 on the file of the Sub Ordinate Court, Uthamapalayam, in connection to the Crime No.791 of 2017 on the file of the first respondent and quash the same.

For Petitioners : Mr.B.Fazil Kirmani

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For R2 : Mr.S.Veerapandi Selvaraj



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the proceedings in S.C.No.109 of 2021 on the file of the Sub Ordinate Court, Uthamapalayam and quash the same.

2. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.791 of 2017 against nine persons including the petitioners herein and after investigation and filing of the final report, the case was committed to the Sessions Court and the same was taken on file in S.C.No.109 of 2021 on the file of the Sub Ordinate Court, Uthamapalayam for the offences under Sections 294(b), 307, 120B and 326 IPC against the petitioners only.

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.



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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 counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.Manikandan, Special Sub Inspector, Cumbum North Police Station, Theni District 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), 307, 120B and 326 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.



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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.109 of 2021 pending before the Sub Ordinate Court, Uthamapalayam, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.109 of 2021, on the file of the Sub Ordinate Court, Uthamapalayam, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

19.12.2022

Index : Yes / No
Internet : Yes / No
SSL

To

1.The Sub Ordinate Court, Uthamapalayam.

2.The Inspector of Police,
Cumbum North Police Station,
Theni District.

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

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K.MURALI SHANKAR,J.

SSL

Order made in
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