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CrI.O.P.(MD)No.17077 of 2019



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.17077 of 2019

and

CrI.M.P.(MD)Nos.10097 and 10099 of 2019

Dhanasekaran

... Petitioner/Sole Accused

vs.

1.The State Rep. by
The Inspector of Police,
K.Paramathi Police Station,
Karur District.
Crime No.95 of 2017

... Respondent/Complainant

2.Ponnusamy

... Respondent/De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the entire records pertaining to the case in C.C.No.399 of 2018 pending on the file of the learned Judicial Magistrate No.II, Karur, Karur District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (CrI. side) for R1

Mr.M.Saravanan for R2



ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.399 of 2018 on the file of the learned Judicial Magistrate No.II, Karur, Karur District.

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. 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. The petitioner and the defacto complainant/second respondent were present in person before this Court and they have been duly identified by their respective counsel. 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 offence under Section 380 IPC.



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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.399 of 2018 pending before the Judicial Magistrate No.II, Karur, Karur District, even though, the offences involved are not compoundable in nature.

7. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.399 of 2018, on the file of the Judicial Magistrate No.II, Karur, Karur District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

01.08.2022

Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR, J.

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.II, Karur,
Karur District.
- 2.The Inspector of Police,
K.Paramathi Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.17077 of 2019

and

CrI.M.P.(MD)Nos.10097 and 10099 of 2019

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