



Crl.O.P.(MD)No.20673 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.12.2022**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.20673 of 2022

Gnana Satheesh Kumar

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Meignanapuram Police Station,
Sathankulam Taluk,
Thoothukudi District.
(Crime No.107 of 2022)

2.Kamaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Charge Sheet in C.C.No.165 of 2022 on the file of the learned Judicial Magistrate Court, Sathankulam and quash the same as illegal.

For Petitioner : Mr.V.Angusamy

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

For R2 : Mr.S.R.Anbarasu



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Crl.O.P.(MD)No.20673 of 2022

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the Charge Sheet in C.C.No.165 of 2022 on the file of the learned Judicial Magistrate Court, Sathankulam and quash the same as illegal.

2. The learned counsel appearing for the petitioner 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.107 of 2022 and after investigation the same was taken cognizance in C.C.No.165 of 2022 on the file of the Judicial Magistrate, Sathankulam against the petitioner for the offences under Sections 294(b), 324 and 506(2) IPC.

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.



Crl.O.P.(MD)No.20673 of 2022

4. 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 counsels. The petitioner and the second respondent are present before this Court and they were identified by Mr.M.Vijaya Das, Sub Inspector of Police, Meignanapuram Police Station 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), 324 and 506(2) 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.



Crl.O.P.(MD)No.20673 of 2022

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.165 of 2022 pending before the Judicial Magistrate, Sathankulam, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.165 of 2022, on the file of the Judicial Magistrate, Sathankulam, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

14.12.2022

Index : Yes / No
Internet : Yes / No
csm



Crl.O.P.(MD)No.20673 of 2022

To

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- 1.The Judicial Magistrate,
Sathankulam.
- 2.The Inspector of Police,
Meignanapuram Police Station,
Sathankulam Taluk,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.20673 of 2022

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.20673 of 2022

Dated: 14.12.2022