



Crl.O.P.(MD)No.20838 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.20838 of 2022

Gayathri

... Petitioner

Vs.

1.State represented by its
The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
(Crime No.129 of 2013)

2.Vasanthi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No.187 of 2019 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District and quash the same as against the petitioner.

For Petitioner : Mr.Jegadeesh Pandian

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

For R2 : Mr.S.Vengateshwaran



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ORDER

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 C.C.No.187 of 2019 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District and quash the same as against the petitioner.

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.129 of 2013 and after investigation the same was taken cognizance in C.C.No.243 of 2016 on the file of the Judicial Magistrate, Ambasamudram against four persons including the petitioner/fourth accused.

3. It is evident from the records that the case as against the accused 1 to 3 was proceeded in C.C.No.243 of 2016 and after full-fledged trial, the learned Judicial Magistrate, Ambasamudram has



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passed an judgment dated 29.07.2022 acquitting the accused 1 to 3 under Section 248(1) of Code of Criminal Procedure and the case as against the present petitioner was ordered to be split up and the same is pending in C.C.No.187 of 2019.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. 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 and they were identified by M/s.M.Muthuselvi, Special Sub Inspector, All Women Police Station, Ambasamuthiram 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.

6. In the instant case, the dispute is of personal in nature and the parties had compromised. 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 494 and 506(1) IPC.

7. 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.

8. 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.187 of 2019 pending before the Judicial Magistrate, Ambasamudram, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.187 of 2019, on the file of the Judicial Magistrate, Ambasamudram, 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



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To

- 1.The Judicial Magistrate,
Ambasamudram, Tirunelveli District.
- 2.The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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Dated: 14.12.2022