



Crl.O.P.(MD)No.21653 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.12.2022**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21653 of 2022

1.Raja

2.Sethu

... Petitioners

Vs.

1.The Inspector of Police,
Balamedu Police Station,
Madurai District.

2.Thennarasu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in C.C.No.132 of 2021 on the file of the learned Judicial Magistrate, Vadipatti, Madurai and quash the same as illegal.

For Petitioners : Mr.B.Vinothkumar

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

For R2 : Mr.K.V.Rajadurai



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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 relating to the charge sheet in C.C.No.132 of 2021 on the file of the learned Judicial Magistrate, Vadipatti, Madurai and quash the same as illegal.

2. The case of the prosecution is that there existed family dispute between the parties, due to which, the petitioners attacked the second respondent/defacto complainant and also abused him in filthy language.

3. 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.76 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.132 of 2021 on the file of the Judicial Magistrate, Vadipatti, Madurai against the petitioners for the offences under Sections 294(b), 324 and 506(2) IPC.



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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 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 M/s.A.Saraswathi, Women Special Sub Inspector, Palamedu 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.

6. 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.

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



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(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.132 of 2021 pending before the Judicial Magistrate, Vadipatti, Madurai, 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.132 of 2021, on the file of the Judicial Magistrate, Vadipatti, Madurai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

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Index : Yes / No
Internet : Yes / No
csm



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To

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



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K.MURALI SHANKAR,J.

csm

Order made in
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