



Crl.O.P.(MD)No.21878 of 2022

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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.21878 of 2022

1.Suba Adithya Muthurama Boopathi

2.Chinna Raja

3.Saravanan

4.Selvaseeni @ Chellaiah

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(Crime No.52 of 2019)

2.Sattanathan

... 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.25 of 2021 for the alleged offences under Sections 294(b), 323, 427, 506(2) r/w 34 IPC on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi and quash the same as illegal against the petitioners.



Crl.O.P.(MD)No.21878 of 2022

For Petitioners : Mr.M.Maran
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.P.Pratheesh

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.25 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi and quash the same as illegal against the petitioners.

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.52 of 2019 and after investigation, the charge sheet was taken cognizance in C.C.No.25 of 2021 on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi against the petitioners/accused 1 to 4 for the offences under Sections 294(b), 323, 506(2), 427 r/w 34 IPC.



Crl.O.P.(MD)No.21878 of 2022

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.

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 M/s.S.Packia Mary Amutha, Women Head Constable 3049, Veeravanallur 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), 323, 506(2), 427 r/w 34 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



Crl.O.P.(MD)No.21878 of 2022

(2012)10 SCC 303 and Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath reported in *(2017)9 SCC 641* were taken into consideration.

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.25 of 2021 pending before the District Munsif cum Judicial Magistrate, Cheranmahadevi, 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.25 of 2021, on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi, 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
csm



Crl.O.P.(MD)No.21878 of 2022

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To

- 1.The District Munsif cum Judicial Magistrate,
Cheranmahadevi.
2. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.21878 of 2022

K.MURALI SHANKAR,J.

csm

Order made in
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