



Crl.O.P.(MD)No.120 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:01.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.120 of 2023

and

Crl.M.P.(MD)No.92 of 2023

1.Karuppasamy,
2.Kumaresan
3.Kathirvel
4.Kalidoss
5.Nagendran
6.Balamurugan
7.Ramesh
8.Muniasamy
9.Karuppaiah
10.Malaisamy
11.Kumarayee
12.Vembuselvi
13.Lakshmi

: Petitioners

Vs

1.The State represented by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.106/2012)

2.Ramasamy

: Respondents



Crl.O.P.(MD)No.120 of 2023

WEB COPY

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the Impugned Charge Sheet in PRC No.46/2022 on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram District and to quash the same as illegal, unconstitutional and arbitrary.

For Petitioners : Mr.R.Murugan

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

For R2 : Mr.S.Santhosa Uthaman

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 PRC No.46/2022 on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram District and quash the same as illegal.

2. The case of the prosecution is that due to previous enmity, there was a clash between the parties. Hence the complaint.



Crl.O.P.(MD)No.120 of 2023

WEB COPY

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.106 of 2012 and after investigation and filing of the final report, the same was taken cognizance in PRC No.46/2022 on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram District against the petitioners for the offences under Sections 147, 148, 341, 323, 324, 326, 427, 307 IPC.

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 Mr.E.Murugesan, Special Sub Inspector, Abiramam Police Station, Ramanathapuram District as well as by the learned Counsels appearing



Crl.O.P.(MD)No.120 of 2023

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 147, 148, 341, 323, 324, 326, 427, 307 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 PRC No.46/2022, pending on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram District even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD)No.120 of 2023

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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC No.46/2022 on the file of the learned District Munsif Cum Judicial Magistrate, Kamuthi, Ramanathapuram District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

10. Consequently, connected miscellaneous petition is closed.

01.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.120 of 2023

K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.120 of 2023

Dated:01.02.2023