



Crl.O.P.(MD)No.622 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.622 of 2023

Selvendran

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.205 of 2018)

2.Krishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned charge sheet in C.C.No.9 of 2019 on the file of the learned Munsif cum Judicial Magistrate Court, Kamuthi, Ramanathapuram District and quash the same as illegal.

For Petitioner : Mr.T.Veerakumar

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

For R2 : Mr.G.Dinesh



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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.9 of 2019 on the file of the learned Munsif cum Judicial Magistrate Court, Kamuthi, Ramanathapuram District and quash the same.

2. The case of the prosecution is that the defacto complainant/ second respondent is functioning as the Executive Member of the AIADMK of Kamuthi Union, that the petitioner had posted obscene words about the defacto complainant's party Coordinator and the Deputy Chief Minister of Tamil Nadu in Whatsapp and Facebook and that when the same was questioned by the defacto complainant, the petitioner abused him in filthy language and threatened him with dire consequences.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first



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respondent and on that basis, FIR came to be registered in Crime No.205 of 2018 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.9 of 2019 on the file of the Munsif cum Judicial Magistrate Court, Kamuthi, Ramanathapuram District for the offences under Sections 294(b) and 506(2) IPC against the petitioner.

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 Mr.G.Sankar, Head Constable, Kamuthi 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.



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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) 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 ***(2012)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraht*** 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.9 of 2019 pending before the Munsif cum Judicial Magistrate Court, Kamuthi, Ramanathapuram District , 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.9 of 2019, on the file of the Munsif cum Judicial



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Magistrate Court, Kamuthi, Ramanathapuram District, is quashed and the

joint compromise memo shall form part and parcel of this order.

10.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Munsif cum Judicial Magistrate Court,
Kamuthi, Ramanathapuram District.
- 2.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 3.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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