



CrI.O.P.(MD)No.609 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.609 of 2023

Arumugam

... Petitioner

Vs.

1.State through
The Inspector of Police,
Avudaiyarkovil Police Station,
Avudaiyarkovil,
Pudukkottai District.
(Crime No.3 of 2014)

2.Maheswari

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the case registered in C.C.No.237 of 2014 on the file of the Judicial Magistrate Court, Aranthangi and quash the same.

For Petitioner : Mr.P.Santhanakrishnan

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



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For R2

: Mr.M.Rajaguru

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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.237 of 2014 on the file of the Judicial Magistrate Court, Aranthangi and quash the same as against the petitioner.

2.The case of the prosecution is that on 01.01.2014, the petitioner was celebrating the new year. At that time, the second respondent was sleeping in her house. The petitioner illegally trespassed into her house and attempted to outrage the modesty of the second respondent by pulling her hand. While the second respondent raised voice, the petitioner threatened her with dire consequences and thereafter, ran out from the house.

3.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.3 of



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2014 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.237 of 2014 on the file of the Judicial Magistrate Court, Aranthangi for the offences under Sections 448 IPC r/w Section 4 of TNPWH Act and Section 506(1) IPC against the petitioner/sole accused.

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.Sundararaj, Special Sub Inspector of Police, Avudaiyarkovil Police Station, Pudukkottai District 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 448 IPC r/w Section 4 of TNPWH Act and Section 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.237 of 2014 as against the petitioner pending before the Judicial Magistrate Court, Aranthangi, 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.237 of 2014, on the file of the Judicial Magistrate



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Court, Aranthangi, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

08.02.2023

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

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



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K.MURALI SHANKAR,J.

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