



Crl.O.P.(MD)No.676 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.676 of 2023

Prabu

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.479 of 2021)

2.Jainkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.137 of 2022 on the file of the learned Judicial Magistrate, Eraniel and quash the same as against the petitioner.

For Petitioner : Mr.S.Ramakrishnan,

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

For R2 : Mr.R.Russel Raj



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records in C.C.No.137 of 2022 on the file of the learned Judicial Magistrate, Eraniel and quash the same as against the petitioner.

2. The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant in filthy language and also attacked him with iron rod and caused injuries. Hence the complaint.

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.479 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.137 of 2022 on the file of the Judicial Magistrate, Eraniel for the offences under Sections 294(b), 324 and 506(2) IPC against the petitioner.



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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 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.K.Mylappan, Trg SI, Karungal Police Station, Kanyakumari 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.

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.



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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.137 of 2022 as against the petitioner pending before the Judicial Magistrate, Eraniel, 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.137 of 2022, on the file of the Judicial Magistrate, Eraniel, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

09.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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- To
- 1.The Judicial Magistrate, Eraniel.
 - 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.676 of 2023

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