



Crl.O.P.(MD)No.806 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.806 of 2023

1.Vikki @ Vigneshrajan

2.Kittu @ Krishnakumar

3.Arunkumar

4.Vinothkumar

5.Soundarapandi @ Gopi

6.Chandran

... Petitioners

Vs.

1.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

2.Thamotharan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the final report in C.C.No.725 of 2017 on the file of the learned Judicial Magistrate, Vadipatti, Madurai and quash the same as illegal.



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For Petitioners : Mr.S.Arjun
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.K.V.Rajadurai

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the final report in C.C.No.725 of 2017 on the file of the learned Judicial Magistrate, Vadipatti, Madurai and quash the same as illegal.

2. The case of the prosecution is that when the second respondent/ defacto complainant went to shop for purchasing vegetables, at the instigation of the second petitioner, the first petitioner and four other unidentified persons way laid the second respondent and attacked him and also snatched his gold chain.

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.230 of 2013 against the petitioners 1 and 2 and four unidentified persons and



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after investigation and filing of the final report, the same was taken cognizance in C.C.No.725 of 2017 pending on the file of the learned Judicial Magistrate, Vadipatti, Madurai for the offences under Sections 147, 323 and 109 IPC against the petitioners.

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.M.Vijaya Kumaran, Head Constable 565, H1 Samayanallur 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.

6. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the



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matter, the High Court has to power to quash the complaint for the offence under Sections 147, 323 and 109 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.725 of 2017 pending before the Judicial Magistrate, Vadipatti, Madurai, 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.725 of 2017, on the file of the Judicial Magistrate, Vadipatti, Madurai, 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
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To

- 1.The Judicial Magistrate,
Vadipatti, Madurai.
- 2.The Inspector of Police,
Samayanallur Police Station,
Madurai 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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