



Crl.O.P.(MD)No.697 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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- 1.Thamotharan
 - 2.Nagarajan
 - 3.Siva @ Sivakumar
 - 4.Thiruganesh
 - 5.Rajendran
 - 6.Vikky @ Vignesh rajapandian
 - 7.Vasanth
 - 8.Sankar @ Sankar Ganesh
 - 9.Karthick
 - 10.Suthakar
- ... Petitioners

Vs.

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



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2.Vikki @ Vigneshrajan

... 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.704 of 2017 on the file of the learned Judicial Magistrate, Vadipatti, Madurai and quash the same as illegal.

For Petitioners : Mr.K.V.Rajadurai

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

For R2 : Mr.S.Arjun

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.704 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 there existed previous enmity between the parties, due to which, the petitioners attacked the second respondent/defacto complainant with wooden log and stones.



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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.231 of 2013 against nine persons/petitioners 1 to 9 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.704 of 2017 pending on the file of the learned Judicial Magistrate, Vadipatti, Madurai for the offences under Sections 147, 148, 452, 294(b), 323, 324 and 506(2) 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



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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, 452, 294(b), 323, 324 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 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.704 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.704 of 2017, on the file of the Judicial



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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
csm

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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