



Crl.O.P.(MD)No.1255 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1255 of 2023

1.Sarath Kishore

2.Sivathanu @ Jegatheesh

... Petitioners

Vs.

1.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(In Crime No.16/2019)

2.Vijayakumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in C.C.No.267 of 2021 pending on the file of the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District and quash the same.

For Petitioners : Mr.L.George Paul Anto

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



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For R2

: Mr.U.Munees Kumar

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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 impugned charge sheet in C.C.No.267 of 2021 pending on the file of the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District and quash the same.

2.The case of the prosecution is that the petitioners, in a drunken mode, abused the defacto complainant, threatened him with dire consequences and attacked him. They have also damaged the two wheeler of the defacto complainant.

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.16 of 2019 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.267 of 2021 on the file of the Judicial



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Magistrate No.1, Nagercoil, Kanyakumari District for the offences under Sections 341, 294(b), 323, 427, 506(1) 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.L.Pandi, Special Sub Inspector of Police, Kanyakumari Police Station, Kanyakumari 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 341, 294(b), 323, 427, 506(1) 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.267 of 2021 as against the petitioners pending before the Judicial Magistrate No.1, Nagercoil, Kanyakumari 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.267 of 2021, on the file of the Judicial Magistrate No.1, Nagercoil, Kanyakumari District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

02.03.2023

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

- 1.The Judicial Magistrate No.1,
Nagercoil,
Kanyakumari District
- 2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

gns

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