



Crl.O.P.(MD)No.3430 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3430 of 2023

1.Akash @ Dominic Akash

2.Jenash @ Joseph

3.Pandi Selvan @ Maria Antony Michael Selvan Selvaraj

4.Balan @ Jesu Raja Balan Selvaraj

5.Alldrin @ Maria Ubhara Aldrin Selvaraj

6.Dhanapal @ Edwart Paulson Seemon

... Petitioners/
Accused

Vs.

1.State of Tamilnadu represented by
The Sub Inspector of Police,
Pangudi Police Station,
Tirunelveli.
(Crime No.609 of 2018)

... 1st Respondent/
Complainant

2.Elstin

... 2nd Respondent/
Defacto
Complainant



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records of the entire proceedings in C.C.No.33 of 2021 on the file of the Judicial Magistrate, Valliyoor against the petitioners and quash the same.

For Petitioners : Mr.B.E.Ashwin Bala Someshwerar

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

For R2 : Mr.J.Sriprasad

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. 33 of 2021 on the file of the learned Judicial Magistrate, Valliyoor and quash the same as against the petitioners.

2. The case of the prosecution is that on 25.12.2018 at about 03.00 a.m., the petitioners had abused the second respondent/defacto complainant in filthy language, attacked him and also damaged the second respondent's bike.



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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.609 of 2018 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.33 of 2021 on the file of the Judicial Magistrate, Valliyoor for the offences under Sections 147, 341, 294(b), 323, 342, 324, 506(2) and 148 IPC and Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992 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 the concerned police 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 147, 341, 294(b), 323, 342, 324, 506(2) and 148 IPC and Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992.

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.33 of 2021 pending before the Judicial Magistrate, Valliyoor, 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.33 of 2021, on the file of the Judicial Magistrate,



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Valliyoor, is quashed and the joint compromise memo shall form part
and parcel of this order.

23.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Judicial Magistrate,
Valliyoor.
2. The Sub Inspector of Police,
Pangudi Police Station,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

csn

Order made in
Crl.O.P.(MD)No.3430 of 2023

Dated: 23.02.2023