



Crl.O.P.(MD)No.1542 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1542 of 2023

1.Tharmalingam @ Tharman

2.Karupaiya

... Petitioners

Vs.

1.State represented by
The Sub Inspector of Police,
Surangkudi Police Station,
Thoothukudi District.
(Crime No.90 of 2014)

2.Aathilingam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the proceedings in S.T.C.No.724 of 2016 in Crime No.90 of 2014 on the file of the first respondent police and the same is pending before the District Munsif cum Judicial Magistrate, Vilathikulam, Thoothukudi District.



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For Petitioners : Mr.S.Muthumalai Raja
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.S.Pandiaraj

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 S.T.C.No.724 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Vilathikulam, Thoothukudi District and quash the same.

2. The case of the prosecution is that there existed land dispute between the petitioners and the second respondent/defacto complainant, due to which, on 10.05.2014 at about 07.30 p.m., the petitioners attacked the second respondent and abused him in filthy language.

3. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first



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respondent and on that basis, FIR came to be registered in Crime No.90 of 2014 and after investigation and filing of the final report, the same was taken cognizance in S.T.C.No.724 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Vilathikulam, Thoothukudi District, for the offences under Sections 294(b), 323 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.N.Raman, Special Sub Inspector, Surangkudi Police Station, Thoothukudi 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.



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6. In the instant case, it is a property dispute 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), 323 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 Gujraath*** 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 S.T.C.No.724 of 2016 pending before the learned District Munsif cum Judicial Magistrate, Vilathikulam, Thoothukudi District, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.724 of 2016, on the file of the learned District



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Munsif cum Judicial Magistrate, Vilathikulam, Thoothukudi District, is quashed and the joint compromise memo shall form part and parcel of this order.

02.02.2023

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

To

- 1.The District Munsif cum Judicial Magistrate,
Vilathikulam, Thoothukudi District.
- 2.The Sub Inspector of Police,
Surangkudi Police Station,
Thoothukudi 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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