



Crl.O.P.(MD)No.2661 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.2661 of 2023

1.M.Aruljeyanthi
2.G.Paulraj
3.D.Micheal Chinnappan
4.M.Paul Pratheba
5.M.Paul Prathis

... Petitioners

Vs.

1.The Sub Inspector of Police,
Mukkudal Police Station,
Tirunelveli.
(Crime No.15/2020)

2.A.Kasbar Raj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the C.C.No. 588 of 2022 on the file of the Judicial Magistrate Court, Cheranmahadevi, and quash the same as illegal, incompetent and ultravires by allowing the present criminal original petition.

For Petitioner : Mr.S.S.Sundarapandian

For R1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor



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For R2

: Mr.M.Singaraja

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the C.C.No. 588 of 2022 on the file of the Judicial Magistrate Court, Cheranmahadevi, and quash the same as illegal.

2.The case of the prosecution is that when the defacto complainant and his family member went out church for prayer, the petitioners herein have trespassed into the house of the defacto complainant and stole gold ornaments worth above Rs.1,50,000/-.

3.The learned counsel appearing for the petitioner 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.15 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.588 of 2022 on the file of the Judicial



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Magistrate Court, Cheranmahadevi for the offences under Sections 454, 380, 414 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 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.

6.In the instant case, the dispute is of petty in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 454, 380, 414 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.588 of 2022 as against the petitioners pending before the Judicial Magistrate Court, Cheranmahadevi, 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.588 of 2022, on the file of the Judicial Magistrate Court, Cheranmahadevi,, is quashed as against the petitioners 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
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To

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



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