



CrI.O.P.(MD)No.1788 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No.1788 of 2023

1.Thennarasu

2.Agastin Jebaraj

... Petitioners

Vs.

1.State through
The Inspector of Police,
Valinokkan Police Station,
Ramanathapuram District.
(In Crime No.29 of 2015)

2.Samiyadiyan

... 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.74 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate Court, Kadaladi, Ramanathapuram District and to quash the same as illegal so far as the petitioners are concerned.

For Petitioner : Mr.A.Arputharaj



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

For R2 : Mr.S.Sivabalan

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.74 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate Court, Kadaladi, Ramanathapuram District and to quash the same as illegal so far as the petitioners are concerned.

2.The case of the prosecution is that the petitioners and other accused set fire on the defacto complainant's straw bales. Hence, the defacto complainant preferred the present complaint.

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.29 of 2015 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.74 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Kadaladi, Ramanathapuram District, for the offences under Section 435 IPC against three persons including 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 Section 435 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.74 of 2019 as against the petitioners pending before the District Munsif cum Judicial Magistrate Court, Kadaladi, Ramanathapuram 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.74 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Kadaladi, Ramanathapuram District, is



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quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

24.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The District Munsif cum Judicial Magistrate Court,
Kadaladi, Ramanathapuram District
- 2.The Inspector of Police,
Valinokkan Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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