



Crl.O.P.(MD)No.2150 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2150 of 2023

Aravindan

... Petitioner/
Accused No.9

Vs.

1.The Inspector of Police,
Thriuppuvanam Police Station,
Thiruppuvanam,
Sivagangai District.
(Crime No.413 of 2010)

... 1st Respondent/
Complainant

2.S.Sonaisamy

... 2nd Respondent/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in C.C.No.246 of 2019 on the file of District Munsif cum Judicial Magistrate Court, Thiruppuvanam and to quash the same, in respect of the petitioner.



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For Petitioner : Mr.SP.Vijay Nivas
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.S.Sankar

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.246 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam and quash the same as against the petitioner.

2. The case of the prosecution is that while the second respondent/ defacto complainant was playing with his sister's son in front of his house, two of the accused came in a two wheeler in a rash and negligent manner and the same was questioned by the second respondent, for which, all the accused attacked the second respondent and abused him in filthy language.

3. The learned counsel appearing for the petitioner 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.413 of 2010 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.246 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam for the offences under Sections 147, 294(b), 323 and 506(2) IPC against 11 persons including the petitioner herein.

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 petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by M/s.B.Devi, Special Sub Inspector of Police, Thiruppuvanam Police Station, 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, 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 C.C.No.246 of 2019 as against the petitioner pending before the District Munsif cum Judicial Magistrate Court, Thiruppuvanam, 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.246 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam, is quashed as against the



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petitioner and the joint compromise memo shall form part and parcel of
this order.

28.02.2023

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

To

- 1.The District Munsif cum Judicial Magistrate Court,
Thiruppuvanam.
- 2.The Inspector of Police,
Thriuppuvanam Police Station,
Thiruppuvanam,
Sivagangai 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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Dated: 28.02.2023