



Crl.O.P.(MD)No.2175 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.2175 of 2023

1.Sundar

2.Gothandan

... Petitioners/
Accused 1 & 2

Vs.

1.The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
(Crime No.32 of 2021)

... 1st Respondent/
Complainant

2.Shamsunder

... 2nd Respondent/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of Charge Sheet in S.T.C.No.1073 of 2022 pending on the file of the learned Judicial Magistrate No.1, Srivaikundam and quash the same.



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For Petitioners : Mr.V.Angusamy
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.A.Balaji

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.1073 of 2022 on the file of the learned Judicial Magistrate No.1, Srivaikundam and quash the same.

2. The case of the prosecution is that on 19.02.2021, when the second respondent/defacto complainant had quarreled with his father, the accused persons intervened the fight in order to pacify the situation, but such intervention resulted in fight between the second respondent and the accused persons.

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.32 of 2021 against three persons including the petitioners herein and after investigation and filing of the final report, the same was taken cognizance in S.T.C.No.1073 of 2022 on the file of the learned Judicial Magistrate No.1, Srivaikundam, for the offences under Sections 294(b), 323 and 506(1) IPC against the petitioners. He would further submit that pending FIR the accused SS Maniyan (mentioned as first accused in the FIR) died.

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.Arul Moses, Special Sub Inspector, Kurumbur Police Station, as well as by the learned counsels appearing for the parties. This Court also



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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 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 294(b), 323 and 506(1) 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.1073 of 2022 pending before the learned Judicial Magistrate No.1, Srivaikundam, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.1073 of 2022, on the file of the learned Judicial Magistrate No.1, Srivaikundam, is quashed 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 Judicial Magistrate No.1,
Srivaikundam.
- 2.The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csm

Order made in
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Dated: 28.02.2023