



Crl.O.P.(MD)No.2172 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.2172 of 2023

Dhineshkumar @ Dhinesh

... Petitioner/
Sole Accused

Vs.

1.State represented by
The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.542 of 2021)

... Respondent/
Complainant

2.Manikandan

... Respondent/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to in C.C.No. 204 of 2022 on the file of Judicial Magistrate Court, Periyakulam, in Crime No.542 of 2021 under Sections 341, 294(b), 323, 324 and 506(2) IPC dated 19.09.2021 and quash the same as illegal as against the petitioner/accused.



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Crl.O.P.(MD)No.2172 of 2023

For Petitioner : Mr.I.Sriharisuriya
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.R.Rajasekaran

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.204 of 2022 on the file of the Judicial Magistrate, Periyakulam and quash the same as illegal.

2. The case of the prosecution is that on 18.09.2021, the petitioner/accused assaulted the second respondent/defacto complainant, abused him in filthy language and also gave a life threat to him.

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.542 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.204 of 2022 on the file of the Judicial



Crl.O.P.(MD)No.2172 of 2023

Magistrate, Periyakulam for the offences under Sections 341, 294(b), 323, 324 and 506(2) IPC against the petitioner.

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 Mr.S.Elangovan, Special Sub Inspector, Thenkarai 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.

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 341, 294(b), 323, 324 and 506(2) IPC.



Crl.O.P.(MD)No.2172 of 2023

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.204 of 2022 pending before the Judicial Magistrate, Periyakulam, 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.204 of 2022, on the file of the Judicial Magistrate, Periyakulam, 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



Crl.O.P.(MD)No.2172 of 2023

To

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- 1.The Judicial Magistrate,
Periyakulam.
- 2.The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.2172 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.2172 of 2023

Dated: 28.02.2023