



Crl.O.P.(MD)No.2871 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.2871 of 2023

Gopala Krishnan

... Petitioner

Vs.

1.State rep.by the Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi District.
(Crime No.30 of 2021)

2.Kanagavalli

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned charge sheet in C.C.No.263 of 2022 on the file of the learned Judicial Magistrate Court, Tiruchendur and quash the same.

For Petitioner : Mr.E.Johnson

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

For R2 : Mr.S.Vidhyasagar



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records relating to the impugned charge sheet in C.C.No.263 of 2022 on the file of the learned Judicial Magistrate Court, Tiruchendur and quash the same.

2. The case of the prosecution is that that due to previous enmity between the petitioner and the defacto complainant, the petitioner abused the defacto complainant in filthy language, attacked him and threatened with dire consequences. Hence the complaint.

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.30 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.263 of 2022 on the file of the Judicial Magistrate, Tiruchendur, for the offences under Sections 294(b), 324, 506(ii) IPC and Section 4 of TNPHW Act, against the petitioner.



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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 the concerned Police Officer, 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 civil 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), 324, 506(ii) IPC and Section 4 of TNPHW Act.



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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.263 of 2022 as against the petitioner pending before the Judicial Magistrate Court, Tiruchendur, 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.263 of 2022, on the file of the learned Judicial Magistrate Court, Tiruchendur, is quashed as against the petitioner 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
das



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To

- 1.The Judicial Magistrate, Tiruchendur.
- 2.The Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

das

Order made in
Crl.O.P.(MD)No.2871 of 2023

Dated: 24.02.2023