



Crl.O.P.(MD)No.3640 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.3640 of 2023

1.M.Thangamani

2.C.Balamurugan

3.T.Mahesh @ Maheswaran

... Petitioners

Vs.

1.State through the Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Crime No.131 of 2018)

2.C.Arumugam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.945 of 2022 on the file of the learned Judicial Magistrate, Karaikudi and quash the same.

For Petitioners : Mr.R.Murali

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

For R2 : Mr.K.Kaleeswaran



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records in C.C.No.945 of 2022 on the file of the learned Judicial Magistrate, Karaikudi and quash the same.

2. The case of the prosecution is that that there was a money dispute between the parties, due to which, the petitioners abused the defacto complainant in filthy language, attacked him and caused injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners 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.131 of 2018 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.945 of 2022 on the file of the Judicial Magistrate, Karaikudi, for the offences under Sections 457 and 511 IPC, against the petitioners.



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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 petitioners and the second respondent are present before this Court and and they were identified by Mr.A.Kannappan, SSI of Police, Kallal 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 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 457 and 511 IPC.



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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.945 of 2022 as against the petitioners pending before the Judicial Magistrate, Karaikudi, 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.945 of 2022, on the file of the learned Judicial Magistrate, Karaikudi, is 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
das



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To

- 1.The Judicial Magistrate, Karaikudi.
2. The Inspector of Police,
Kallal Police Station,
Sivagangai 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.3640 of 2023

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