



Crl.O.P.(MD)No.12546 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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- 1.Syed Nazeer Ahamed @
Syed Nazeer Ahamed Kathib
- 2.Syed Gulam Ajamali @ Sayim Ali @
Syed Gulam Azam Ali
- 3.Syed Ahamed Ibrahim @ Tharik Ajis
- 4.Syed Gulam Husain @ Mohamed Hussain ... Petitioners

Vs.

- 1.State represented by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai District.
(Crime No.723 of 2022)
- 2.Abdul Salam Ibrahim ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of charge sheet in C.C.No.431 of



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2022 on the file of the learned Judicial Magistrate No.V, Madurai and quash the same as illegal.

For Petitioners : Mr.S.M.A.Jinnah
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.A.Naresh Prabu

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records of charge sheet in C.C.No. 431 of 2022 on the file of the learned Judicial Magistrate No.V, Madurai and quash the same as illegal.

2. The case of the prosecution is that the defacto complainant shared a death news in Whatsapp group, namely, Qaazi's, wherein the first petitioner is also a member in that group and that there was a controversy between the first petitioner and the defacto complainant, for which, the petitioners abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.



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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.723 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.431 of 2022 on the file of the Judicial Magistrate No.V, Madurai for the offences under Sections 294(b) and 506(i) IPC against petitioners.

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.K.Veeramani, Spl.SI, Thideen Nagar Police Station, as well as by the learned counsels appearing for the parties. This Court also enquired both the



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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) and 506(i) 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 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.431 of 2022 as against the petitioners pending before the Judicial Magistrate No.V, Madurai, even though, the offences involved are not compoundable in nature.



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WEB COPY 9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.431 of 2022, on the file of the Judicial Magistrate No.V, Madurai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

27.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Judicial Magistrate No.V,
Madurai.
- 2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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