



Crl.O.P.(MD)No.13987 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13987 of 2022

and

Crl.M.P.(MD)Nos.8992 and 8993 of 2022

1.Velmurugan

2.Baskar

3.Vinothkumar

4.Karmegam

5.Pasumpon Palanisamy

6.Pethuraj

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
(Crime No.15 of 2018)

2.Nagendra Kannan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in S.C.No.189 of 2021 on the file of the I Additional District

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Judge, Thoothukudi, Thoothukudi District for the offences under Sections 147, 148, 364, 342, 294(b), 307, 506(ii) IPC and to quash the same.

For Petitioners : Mr.J.Senthil Kumar,
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.K.Selvam

ORDER

This Criminal Original Petition filed, under Section 482 Cr.P.C., seeking orders to call for the records pertaining to the proceedings in S.C.No.189 of 2021 on the file of the learned I Additional District Judge, Thoothukudi, Thoothukudi District for the offences under Sections 147, 148, 364, 342, 294(b), 307, 506(ii) IPC and to quash the same.

2. The case of the prosecution is that due to money transaction dispute between the petitioners and the defacto complainant, the petitioners threatened the second respondent with dire consequences and assaulted him. 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.15 of 2018 and after investigation and filing of the final report, the same was taken cognizance in S.C.No.189 of 2021 on the file of the learned I Additional District Judge, Thoothukudi, Thoothukudi District, for the offences under Sections 147, 148, 364, 342, 294(b), 307, 506(ii) IPC against the 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 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 M/s.G.Jothi, Training Women S.I, Vilathikulam Police Station, Thoothukudi District as well as by the learned counsels appearing for the



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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 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 147, 148, 364, 342, 294(b), 307, 506(ii) 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 S.C.No.189 of 2021 pending before the learned I Additional District Judge, Thoothukudi, Thoothukudi District, 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.C.No.189 of 2021, on the file of the learned I Additional District Judge, Thoothukudi, Thoothukudi District, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

11.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The I Additional District Judge, Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi 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
Crl.O.P.(MD)No.13987 of 2022

Dated: 11.01.2023