



Crl.O.P.(MD)No.15424 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15424 of 2020

Subramanian

... Petitioner

Vs.

1.The State represented by
The Inspector of Police (L&O),
B6, Jaihindpuram Police Station,
Madurai.
(Crime No.985 of 2012 of South Gate P.S)

2.Vasuki

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in pursuant to the Charge Sheet in C.C.No.46 of 2015 on the file of the Judicial Magistrate No.IV, Madurai and quash the same against this petitioner.

For Petitioner : Mr.A.John Vincent

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

For R2 : Mr.S.Thiagarajan



Crl.O.P.(MD)No.15424 of 2020

WEB COPY

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records in pursuant to the Charge Sheet in C.C.No.46 of 2015 on the file of the Judicial Magistrate No.IV, Madurai and quash the same against the petitioner.

2. The case of the prosecution is that on 23.03.2012, the second respondent/defacto complainant's brother-in-law/first accused entered into a lease agreement with the petitioner letting one of the houses of the second respondent to the petitioner without her approval and that when she asked about the same, the accused persons had threatened her.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before South Gate Police Station and on that basis, FIR came to be registered in Crime No. 685 of 2012 for the offences under Sections 406, 420 and 506(1) IPC and after investigation and filing of the final report, the same was taken cognizance in C.C.No.46 of 2015 on the file of the Judicial Magistrate No.IV, Madurai for the offences under Sections 406, 420 and 506(1) IPC



Crl.O.P.(MD)No.15424 of 2020

r/w 34 IPC as against the accused 1 and 2 and for the offences under Sections 506(1) r/w 34 IPC as against the third accused and the petitioner/fourth accused.

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.M.Periyadaikkan, Special Sub Inspector, B6, Jaihindpuram Police Station, Madurai City 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 506(1) r/w 34 IPC.



Crl.O.P.(MD)No.15424 of 2020

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.46 of 2015 as against the petitioner pending before the Judicial Magistrate No.IV, Madurai, 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.46 of 2015, on the file of the Judicial Magistrate No.IV, Madurai, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

10.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



Crl.O.P.(MD)No.15424 of 2020

To

WEB COPY

- 1.The Judicial Magistrate No.IV,
Madurai.
- 2.The Inspector of Police (L&O),
B6, Jaihindpuram Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.15424 of 2020

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.15424 of 2020

Dated: 10.01.2023