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CRL.O.P.(MD).No.16249 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

CRL.O.P.(MD).No.16249 of 2022

1. Kalaiyappan @ Kumar,

2. Meenakshi,

: Petitioners

Vs

1. The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai Branch.
in Crime No.67/2011

2. C.Shanmugam,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the Charge Sheet in C.C No.3 of 2017 on the file of the Judicial Magistrate Court No.1, Madurai, Madurai District and quash the same.

For Petitioners : Mr.R.Banu Jaganath

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

For R2 : Mr.S.Karthikeyan



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ORDER

The Criminal Original Petition is filed seeking orders to call for the records of impugned charge sheet in C.C.No.3 of 2017 on the file of the Judicial Magistrate Court No.I, Madurai District and quash the same as illegal as against the petitioners.

2. The case of the prosecution is that there existed money dispute between the parties, due to which, the petitioners gave a life threat to the defacto complainant.

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.67 of 2011 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.3 of 2017 on the file of the learned Judicial Magistrate No.I, Madurai District against the petitioners for the offences under Sections 465, 468, 471, 420 and 506(ii) IPC.

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 Mr.M.Thiagarajan, Sub Inspector of Police, Central Crime Branch, 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 465, 468, 471, 420 and 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 C.C.No.3 of 2017 pending before the learned Judicial



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Magistrate No.I, Madurai, 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 C.C.No.3 of 2017, on the file of the learned Judicial Magistrate No.I, Madurai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

03.01.2023

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

lr



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To

1.The Judicial Magistrate Court No.I,
Madurai District

2. The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai Branch.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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