



Crl.O.P.(MD)No.16109 of 2022

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.16109 of 2022

1.Thinakaran

2.Muthuselvam

3.Manojkumar

4.Jeganathan

5.Nagendran

... Petitioners/
Accused 1 to 5

Vs.

1.The Deputy Superintendent of Police,
Oddanchatram Sub Division,
Dindigul District.

... 1st Respondent/
Nil

2.The Inspector of Police,
Sempatti Police Station,
Sempatti,
Dindigul District.
(Crime No.133 of 2018)

... 2nd Respondent/
Complainant

3.V.Velu

... 3rd Respondent/
Defacto
Complainant



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to P.R.C.No. 18 of 2019 on the file of District Munsif Cum Judicial Magistrate, Athoor, Dindigul District dated 29.09.2018 and quash the same as illegal.

For Petitioners : Mr.S.Lenin Prabu

For R1 & R2 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For R3 : Mr.R.Rajeshkumar

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the impugned Charge Sheet in P.R.C.No.18 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Athoor, Dindigul District and quash the same as illegal.

2. The case of the prosecution is that on 13.04.2018, there was a wordy quarrel between the petitioners and the third respondent/defacto complainant, due to which, the petitioners attacked the third respondent and caused multiple injuries and also damaged the third respondent's motorbike.



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3. The learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.133 of 2018 against the petitioners 1 and 4 and 8 unnamed persons and after investigation and filing of the final report, the same was taken cognizance in P.R.C.No.18 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Athoor, Dindigul District for the offences under Sections 341, 147, 294(b), 323 and 506(1) IPC and Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992 against the petitioners herein.

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 third respondent and also by their respective counsels. The petitioners and the third respondent are present before this Court and and they were identified by the concerned police 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 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 341, 147, 294(b), 323 and 506(1) IPC and Section 3(1) of TN Public Property (Prevention of Damage and Loss) Act, 1992.

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 P.R.C.No.18 of 2019 pending before the District Munsif cum Judicial Magistrate, Athoor, Dindigul 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 P.R.C.No.18 of 2019, on the file of the District Munsif cum Judicial Magistrate, Athoor, Dindigul District, is quashed 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
csm

To

- 1.The District Munsif cum Judicial Magistrate,
Athoor, Dindigul District.
- 2.The Deputy Superintendent of Police,
Oddanchatram Sub Division,
Dindigul District.
- 3.The Inspector of Police,
Sempatti Police Station,
Sempatti,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

csn

Order made in
Crl.O.P.(MD)No.16109 of 2022

Dated: 24.02.2023