



Crl.O.P.(MD)No.19678 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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- 1.Kadar Mohideen @ Kadar Mohideen Hanifa
- 2.Kismath Ali
- 3.Ithayattulla
- 4.Ummal Habeeba @ Ummal Habeeba Kader Maideen
- 5.Amsath Beevi
- 6.Anish Fathima @ Anish Fathima Ithayathulla
- 7.Regumath Nisha
- 8.Kaliba @ Mohamed Kaliba ... Petitioners

Vs.

- 1.State through
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.152 of 2015)
- 2.Naina Mohamed ... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records connected to PRC.No.15 of 2017 on the file of the Judicial Magistrate Court, Thiruvadanai and quash the same.

For Petitioners : Mr.S.Madhan Kumar
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.S.A.Ajmal Khan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the proceedings in PRC.No.15 of 2017 on the file of the learned Judicial Magistrate, Thiruvadanai and quash the same.

2. The case of the prosecution is that there existed some dispute between the second respondent/defacto complainant and the first petitioner, due to which, the petitioners and the other accused assaulted the second respondent and also scolded him in filthy language.



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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.152 of 2015 and after investigation and filing of the final report, the same was taken cognizance in PRC.No.15 of 2017 on the file of the Judicial Magistrate, Thiruvadanai against nine persons including the petitioners herein for the offences under Sections 147, 148, 294(b), 352, 323, 506(1), 307 and 149 IPC. He would further submit that pending FIR the fourth accused Amir Ali died on 16.01.2016 and has produced the copy of the death certificate.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the second respondent/defacto complainant has suffered simple injury. He would further submit that when the charge sheet was filed, the fourth accused was not alive.

5. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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6. 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.G.Poomuthu, Training Sub Inspector, Thiruvadanai Police Station, Ramnad District 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.

7. 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 147, 148, 294(b), 352, 323, 506(1), 307 and 149 IPC.

8. 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.



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9. 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 PRC.No.15 of 2017 pending before the Judicial Magistrate, Thiruvadanai, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.15 of 2017, on the file of the Judicial Magistrate, Thiruvadanai, is quashed and the joint compromise memo shall form part and parcel of this order.

05.01.2023

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

To

- 1.The Judicial Magistrate,
Thiruvadanai.
- 2.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.19678 of 2022

Dated: 05.01.2023