



Crl.O.P.(MD)No.1333 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1333 of 2022
and Crl.M.P.(MD)Nos.971 & 972 of 2022

A.Esakkai pandi

... Petitioner

Vs.

1.State Rep.by
Sub-Inspector of Police,
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District.

2.Esakiammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the charge sheet dated 01.10.2016 (brought before the Court on 09.07.2021) in PRC.No.18 of 2021 on the file of the learned Judicial Magistrate Court, Ambasamuthiram, Tirunelveli District which was filed against the petitioner and quash the same as illegal.

For Petitioner : Mr.V.Rajiv Rufus

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



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For R2

: Mr.B.Micheal Sebastin

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the charge sheet dated 01.10.2016 in PRC.No.18 of 2021 on the file of the learned Judicial Magistrate Court, Ambasamuthiram, Tirunelveli District which was filed against the petitioner and quash the same as illegal.

2.The case of the prosecution is that on 10.06.2015, the petitioner and other accused assembled in the street and committed riots with deadly weapons and when they came to know that one of the person from their community was attacked by someone, they have damaged the asbestos roof of defacto complainant's house.

3.The learned counsel appearing for the petitioner 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.128



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of 2015 and after investigation and filing of the final report, the same was taken cognizance in PRC.No.18 of 2021 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District for the offences under Sections 147, 148 IPC and Section 3 of TNPPDL Act against 40 persons including the petitioner.

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.A.Gajendran, Head Constable-707, Ambasamudram Police Station 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.



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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 147, 148 IPC and Section 3 of TNPPDL Act.

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 PRC.No.18 of 2021 as against the petitioner pending before the Judicial Magistrate Court, Ambasamudram, Tirunelveli District, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.18 of 2021, on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District, is quashed as against the



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petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

01.03.2023

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

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



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K.MURALI SHANKAR,J.

gns

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