



Crl.O.P.(MD)No.20671 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.20671 of 2022

1.Govindharaju

2.Dharmaraju

3.Siva

4.Selvam @ Thamarai Selvam

... Petitioners

Vs.

1.State through
The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.

2.Krishnan

3.Ramesh Kumar @ Ramadurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned charge sheet in C.C.No.116 of 2022 on the file of the learned Judicial Magistrate, Thuraiyur, Trichy District and quash the same as illegal so far as the petitioners are concern.



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For Petitioners : Mr.K.Sivabalan
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 & R3 : Mr.E.Balasubramanian

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 C.C.No.116 of 2022 on the file of the learned Judicial Magistrate, Thuraiyur, Trichy District and quash the same.

2. The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainants, the petitioners scolded the defacto complainants in filthy language and attacked them and also threatened them with dire consequences. Hence, the complaint.

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.384



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of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.116 of 2022 on the file of the Judicial Magistrate, Thuraiyur, Trichy District for the offences under Sections 294(b), 323 and 324 IPC against the petitioners.

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, second and third respondents and also by their respective counsels. The petitioners, the second and third respondents are present before this Court and and they were identified by Mrs.M.Ummuhabebha, Gr-II WPC 781, Uppiliyapuram Police Station, Trichy 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.



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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 294(b), 323 and 324 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.116 of 2022 as against the petitioner pending before the Judicial Magistrate, Thuraiyur, Trichy District, 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.116 of 2022 on the file of the learned Judicial



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Magistrate, Thuraiyur, Trichy District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

16.02.2023

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

To

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



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K.MURALI SHANKAR,J.

das

Order made in
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