



Crl.O.P.(MD)No.21443 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21443 of 2022

1.Dhilakasundarajan

2.Muneeswaran

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(Crime No.29 of 2021)

2.Balsundar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.22 of 2021 in Crime No.29 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District and quash the same in so far the petitioners.



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For Petitioners : Mr.A.Balakrishnan
For R1 : Mr.M.Muthumanikkam
Government Advocate (CrI. Side)
For R2 : Mr.S.Pugalendhi

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 C.C.No.22 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District and quash the same as against the petitioners herein.

2. The case of the prosecution is that due to previous enmity, on 20.01.2021 at about 11.00 p.m., the petitioners attacked the second respondent/defacto complainant and one Ajith with deadly weapons and threatened them with dire consequences.

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.29



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of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.22 of 2021 on the file of the District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District for the offences under Sections 341, 294(b), 323 and 506(2) IPC against four persons including 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, the second respondent and the injured Ajith also by their respective counsels. The petitioners, the second respondent and the said Ajith are present before this Court and and they were identified by Mr.S.Lingadurai, Special Sub Inspector, Elayangudi 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 341, 294(b), 323 and 506(2) 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 Gujraath*** 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.22 of 2021 as against the petitioners pending before the District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai 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.22 of 2021, on the file of the District Munsif cum



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

06.02.2023

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

To

- 1.The District Munsif cum Judicial Magistrate,
Ilayangudi, Sivagangai District.
- 2.The Inspector of Police,
Elayangudi Police Station,
Sivagangai 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
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