



Crl.O.P.(MD)No.21205 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21205 of 2022

Vijay

... Petitioner

Vs.

1.State Rep.by
Inspector of Police,
Railway Police Station,
Madurai Junction,
Madurai District.
Crime No.90 of 2021

2.Azhaguraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to C.C.No. 100 of 2022 on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same as illegal.

For Petitioner : Mr.S.Ayyanar Prem Kumar

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

For R2 : Mr.M.Gandhirajan



Crl.O.P.(MD)No.21205 of 2022

WEB COPY

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.100 of 2022 on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same as against the petitioner.

2.The case of the prosecution is that on 01.11.2021, near Samayanallur railway gate, the engineering department staff were doing the maintenance work by closing the gate. At that time, the petitioner came and quarreled with the defacto complainant and he demanded to open the gate and also he abused him by using filthy language. Hence, he lodged the complaint.

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.90 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.100 of 2022 on the file of the Judicial



Crl.O.P.(MD)No.21205 of 2022

Magistrate No.VI, Madurai for the offences under Sections 294(b), 325, 353 IPC against the petitioner/sole accused.

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 C.Ramakrishnan, Sub Inspector of Police, Railway Police Station, Madurai 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.

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), 325, 353 IPC.



CrI.O.P.(MD)No.21205 of 2022

WEB COPY

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.100 of 2022 as against the petitioner pending before the Judicial Magistrate No.VI, Madurai, 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.100 of 2022, on the file of the Judicial Magistrate No.VI, Madurai, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

07.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



CrI.O.P.(MD)No.21205 of 2022

WEB COPY

To

- 1.The Judicial Magistrate No.VI, Madurai.
- 2.The Inspector of Police,
Railway Police Station,
Madurai Junction,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21205 of 2022

K.MURALI SHANKAR,J.

gns

Crl.O.P.(MD)No.21205 of 2022

07.02.2023