



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/03/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.22679 of 2022
and
Cr1.MP(MD)Nos.16020 and 16031 of 2022

T.Baskaran : Petitioner/Sole
Accused
Vs.

1.State through
The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
(Crime No.91 of 2021) : R1/Complainant

2.T.Nagarajan : R2/De-facto Complainant

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in CC No.56 of 2022 on the file of the Judicial Magistrate, Aruppukkottai, in Crime No.91 of 2021, dated 06/05/2021 on the file of the first respondent police registered under sections 341, 294(b), 427, 323 and 506(ii) IPC and quash the same as illegal.

For Petitioner : Mr.A.Kali Doss

For 1st Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.T.Thirumurugan

**O R D E R**

WEB COPY

This Criminal Original Petition has been filed seeking quashment of CC No.56 of 2022 on the file of the Judicial Magistrate, Aruppukkottai in Crime No.91 of 2021 on the file of the first respondent police.

2.The case of the prosecution is that due to property dispute, the petitioner abused the second respondent and threatened him with dire consequences.

3.When the matter is taken up for hearing today, 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.91 of 2021, dated 06/05/2021 for the offences punishable under sections 341, 294(b), 323, 427 and 506(ii) IPC against this petitioner and after completing the investigation, final report was filed before the Judicial Magistrate, Aruppukkottai and it was taken cognizance in CC No.56 of 2022 against 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 the concerned Police 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 power to quash the complaint for the offences under Sections 341, 294(b), 427, 323 and 506(ii) 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.56 of 2022 as against the petitioner pending before the Judicial Magistrate, Aruppukkottai, 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.56 of 2022, on the file of the Judicial Magistrate, Aruppukkottai is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

23/03/2023

Index:Yes/No
Internet:Yes/No

er

To,



WEB COPY

1. The Judicial Magistrate,
Aruppukottai,
Virudhunagar District.
2. The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



6

G.ILANGOVAN, J

er

Crl.OP(MD)No.22679 of 2022

23/03/2023