



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.ILANGOVAN

CrI.O.P.(MD)No.137 of 2023
and CrI.M.P.(MD)Nos.94 & 95 of 2023

1.T.Nagarajan

2.N.Amutha

... Petitioners

Vs.

1.State through
The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
Crime No.92/2021

2.T.Baskaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in C.C.No.55 of 2022 on the file of the learned Judicial Magistrate, Aruppukkottai in Crime No.92 of 2021 dated 06.05.2021 for an alleged offence under Sections 294(b), 427, 448, 323 and 506(i) IPC and quash the same as illegal.

For Petitioner	: Mr.T.Thirumurugan
For R1	: Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor
For R2	: Mr.A.Kalidass

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the impugned charge sheet in C.C.No.55 of 2022 on the file of the learned Judicial Magistrate, Aruppukkottai in Crime No.92 of 2021 dated 06.05.2021 for an alleged offence under Sections 294(b), 427, 448, 323 and 506(i) IPC and quash the same as illegal.

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



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.92 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.55 of 2022 on the file of the learned Judicial Magistrate, Aruppukkottai for the offences under Sections 294(b), 427, 448, 323 and 506(i) 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 and the second respondent and also by their respective counsels. The petitioners 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 offence under Sections 294(b), 427, 448, 323 and 506(i) 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.55 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.55 of 2022, on the file of the Judicial Magistrate, Aruppukkottai is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/03/2023

Sub Assistant Registrar (CS)

gns

Encl: Copy of Joint Compromise Memo.

<https://www.mhc.tn.gov.in/judis>



To

1.The Judicial Magistrate,
Aruppukkottai

2.The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-10738[F] dated 24/02/2023

CrI.O.P. (MD) No.137 of 2023
23.02.2023

MGJ(14.03.2023) 3P 5C