



Crl.O.P.(MD)No.22047 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22047 of 2022

1.Pandi

2.Muthupandi

3.Sundaram

4.Sangarapandi

5.Paramupandi

6.Sankarapandi @ Sangilipandi

7.Paulpandi

8.Muthukrishnan

9.Umaiyan @ Alagumalai

10.Starpandi @ Pandi

11.Prakash

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Saptur Police Station,
Madurai District.
(Crime No.65 of 2016)



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2.S.Ananth

... 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 P.R.C.No.7 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai District and quash the same as illegal so far as the petitioners are concerned.

For Petitioners : Mr.A.Arputharaj

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

For R2 : Mr.Sabbani Karpura Jothi

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 P.R.C.No.7 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai District and quash the same as illegal so far as the petitioners are concerned.

2. The case of the prosecution is that the petitioners went to the second respondent's village for pooja purpose and at that time, the



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petitioners were very noisy and disturbing the cattle and the public in the village and hence, the village elders enquired the petitioners, for which, the petitioners abused the second respondent in filthy language and attacked him.

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.65 of 2016 and after investigation and filing of the final report, the same was taken cognizance in P.R.C.No.7 of 2022 on the file of the District Munsif cum Judicial Magistrate, Peraiyur, Madurai District for the offences under Sections 147, 148, 294(b), 324 and 307 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



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also by their respective counsels. The petitioners and the second respondent are present before this Court and they were identified by Mr.S.Saravana Kumar, Special Sub Inspector, Sedapatty Police Station, Madurai 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.

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 147, 148, 294(b), 324 and 307 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 P.R.C.No.7 of 2022 pending before the



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District Munsif cum Judicial Magistrate, Peraiyur, Madurai District, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.7 of 2022, on the file of the District Munsif cum Judicial Magistrate, Peraiyur, Madurai District, is quashed and the joint compromise memo shall form part and parcel of this order.

01.02.2023

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

To

- 1.The District Munsif cum Judicial Magistrate,
Peraiyur, Madurai District.
- 2.The Inspector of Police,
Saptur Police Station,
Madurai 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
Crl.O.P.(MD)No.22047 of 2022

Dated: 01.02.2023