



Crl.O.P.(MD)No.22199 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22199 of 2022

1.Rajendramoorthy

2.Sureshkumar

... Petitioners

Vs.

1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.109 of 2016)

2.Angusamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the charge sheet in S.C.No.55 of 2019, on the file of the learned Chief Judicial Magistrate, Ramanathapuram.

For Petitioners : Mr.G.Vishnuram,

For R1 : Mr.SS.Madhavan,
Government Advocate (Crl. Side)

For R2 : Mr.Dinesh Hari Sudharsan



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records and quash the charge sheet in S.C.No.55 of 2019, on the file of the learned Chief Judicial Magistrate, Ramanathapuram.

2. The case of the prosecution is that there was a family dispute between the petitioners and the defacto complainant, due to which, the petitioners attacked the defacto complainant and caused injuries. Hence, the complaint.

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.109 of 2016 and after investigation and filing of the final report, the same was taken cognizance in S.C.No.55 of 2019 on the file of the learned Chief Judicial Magistrate, Ramanathapuram, for the offences under Sections 294(b) and 307 IPC against three persons, including the petitioners. He would further submit that the third accused had died.



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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 petitioners and the second respondent are present before this Court and they were identified by Mr.S.Thirumurugakannan, Head Constable 907, Kenikkarai Police Station, Ramanathapuram 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, it is a family dispute and now 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) 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



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(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 S.C.No.55 of 2019 as against the petitioners pending before the learned Chief Judicial Magistrate, Ramanathapuram, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.55 of 2019, on the file of the learned Chief Judicial Magistrate, Ramanathapuram, is quashed as against these petitioners and the joint compromise memo shall form part and parcel of this order.

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Chief Judicial Magistrate,
Ramanathapuram.
- 2.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.22199 of 2022

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