



Crl.O.P.(MD)No.22205 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22205 of 2022

Jeyakumar

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.
(Crime No.4 of 2022)

2.Karuppaiah

... 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 C.C.No.126 of 2022 on the file of the learned Judicial Magistrate Court, Devakottai, Sivagangai District and quash the same as illegal so far as the petitioner is concerned.

For Petitioner : Mr.K.Sivabalan

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

For R2 : Mr.E.Balasubramani



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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.126 of 2022 on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District and quash the same as against the petitioner.

2. The case of the prosecution is that when the petitioner and the other accused were fishing in the pond, the second respondent/defacto told them not to fish in the public pond, for which, the accused persons scolded the second respondent in filthy language and that thereafter, on 21.01.2022, the accused persons attacked 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.4 of



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2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.126 of 2022 on the file of the Judicial Magistrate, Devakottai, Sivagangai District for the offences under Sections 294(b), 323 and 506(2) IPC against three persons including the petitioner/third 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 they were identified by M/s.R.Sathiya Jothi, Women Head Constable 1724, Thiruvegampet Police Station, Sivagangai 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.



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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), 323 and 506(2) 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 Gujraath* 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.126 of 2022 as against the petitioner pending before the Judicial Magistrate, Devakottai, Sivagangai District, 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.126 of 2022, on the file of the Judicial Magistrate, Devakottai, Sivagangai District, is quashed as against the



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petitioner and the joint compromise memo shall form part and parcel of
this order.

05.01.2023

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

To

- 1.The Judicial Magistrate,
Devakottai, Sivagangai District.
- 2.The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai 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.22205 of 2022

Dated: 05.01.2023