



Crl.O.P.(MD)No.22351 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22351 of 2022

Sahaya Hentry Shajin

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
(Crime No.137 of 2017)

2.Pravin @ Sahaya Pravin

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to S.T.C.No.198 of 2022 on the file of the Judicial Magistrate Court, Boothapandy and quash the same.

For Petitioner : Mr.N.Syedali

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

For R2 : Mr.Boopathi Pandiyan



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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 relating to S.T.C.No. 198 of 2022 on the file of the Judicial Magistrate Court, Boothapandy and quash the same.

2. The case of the prosecution is that on 22.04.2017 at about 08.30 p.m., the petitioner/fourth accused along with the accused 1 to 3 assaulted the second respondent/defacto complainant and abused him in filthy language.

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.137 of 2017 and after investigation and filing of the final report, the same was taken cognizance in S.T.C.No.198 of 2022 on the file of the Judicial Magistrate, Boothapandy for the offences under Sections 294(b) and 323 IPC against four persons including the petitioner herein.



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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 petitioner and the second respondent are present before this Court and and they were identified by Mr.M.Francis, Special Sub Inspector, Aralvoimozhi Police Station 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 294(b) and 323 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.T.C.No.198 of 2022 as against the petitioner pending before the Judicial Magistrate, Boothapandy, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.198 of 2022, on the file of the Judicial Magistrate, Boothapandy, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

10.01.2023

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



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WEB COPY To

- 1.The Judicial Magistrate,
Boothapandy.
- 2.The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari 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
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