



Crl.O.P.(MD)No.23083 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:20.01.2023

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.23083 of 2022

Ajith Kumar,

: Petitioner

Vs

1. The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Cr.No.466/2021.

2. Praveen,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in C.C.No.297 of 2022 pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and quash the same,

For Petitioner : Mr.L.George Paul Anto

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

For R2 : Mr.N.S.Ramakrishna Dass



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Crl.O.P.(MD)No.23083 of 2022

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the charge sheet in C.C.No.297 of 2022 pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and quash the same as illegal.

2. The case of the prosecution is that due to previous enmity, the petitioner abused the defacto complainant and also assaulted and threatened him with dire consequences. Hence the complaint.

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.466 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.297 of 2022, on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District against the



Crl.O.P.(MD)No.23083 of 2022

petitioners for the offences under Sections 294(b), 323, 448 and 506(2) IPC.

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 Mr.R.Stephen, SSI, Kaliyakavilai 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), 323, 448 and 506(2) IPC.



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Crl.O.P.(MD)No.23083 of 2022

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.297 of 2022 pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari 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.297 of 2022, on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

20.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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4/6



Crl.O.P.(MD)No.23083 of 2022

To

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1. The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.23083 of 2022

K.MURALI SHANKAR,J.

lr

Order made in
Crl.O.P.(MD)No.23083 of 2022

Dated:20.01.2023