



Crl.O.P.(MD)No.163 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.163 of 2023

1.Elistin

2.George @ Jesu Alphonse George Arasan

3.Jenesh @ Joseph Nester Jenus

4.Arun Kumar

... Petitioners/
Accused No.1,
2, 4 & 5

Vs.

1.State represented by
The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
(Crime No.610 of 2018)

... 1st Respondent/
Complainant

2.Dominicakash

... 2nd Respondent/
Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case registered in impugned charge sheet in C.C.No.738 of 2022 on the file of



Crl.O.P.(MD)No.163 of 2023

the learned Judicial Magistrate, Valliyoor in connection with Crime No. 610 of 2018 on the file of the first respondent police and quash the same as illegal as against the petitioners concern.

For Petitioners : Mr.B.Arun

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

For R2 : Mr.S.Pradeep

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.738 of 2022 on the file of the learned Judicial Magistrate, Valliyoor and quash the same as against the petitioners.

2. The case of the prosecution is that the accused persons unnecessarily had driven their two wheeler near the second respondent/defacto complainant's christmas crib, for which, there was a wordy quarrel and the first accused assaulted the second respondent with bike key and the other accused abused the second respondent in filthy language.



Crl.O.P.(MD)No.163 of 2023

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.610 of 2018 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.738 of 2022 on the file of the Judicial Magistrate, Valliyoor for the offences under Sections 147, 294(b), 506(1) and 324 IPC against five persons including 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 also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by the concerned police 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.



Crl.O.P.(MD)No.163 of 2023

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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 147, 294(b), 506(1) and 324 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 C.C.No.738 of 2022 as against the petitioners pending before the Judicial Magistrate, Valliyoor, 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.738 of 2022, on the file of the Judicial



Crl.O.P.(MD)No.163 of 2023

Magistrate, Valliyoor, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

23.02.2023

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

To

- 1.The Judicial Magistrate,
Valliyoor.
- 2.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.163 of 2023

G.ILANGO VAN,J.

csn

Order made in
Crl.O.P.(MD)No.163 of 2023

Dated: 23.02.2023