



CrI.O.P.(MD)No.614 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.614 of 2023

Arumugam

... Petitioner

Vs.

1.The Inspector of Police,
Perunkudi Police Station,
Madurai District.
(In Crime No.03 of 2011)

2.Ramaye

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records in C.C.No.140 of 2022 on the file of the learned Judicial Magistrate Court, Tirumangalam and quash against the petitioner.

For Petitioner : Mr.R.Sundar

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

For R2 : Mr.Roja Ramani



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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 entire records in C.C.No.140 of 2022 on the file of the learned Judicial Magistrate Court, Tirumangalam and quash against the petitioner.

2.The case of the prosecution is that there was a land dispute between the petitioner and the second respondent, due to which, the petitioner and other accused abused the defacto complainant in filthy language and assaulted her. Hence, she lodged a complaint.

3.The learned counsel appearing for the petitioner would submit that based on the complaint of the second respondent, FIR came to be registered in Crime No.3 of 2011 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.140 of 2022 on the file of the Judicial Magistrate Court, Tirumangalam for the offences under Sections 420, 447, 323, 506(ii) IPC and Section 4 of TNPWH Act, 1988 against two persons including the petitioner/second accused.



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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.R.Anumanthran, Special Sub Inspector of Police, Perungudi Police Station, Madurai 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, 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 420, 447, 323, 506(ii) IPC and Section 4 of TNPWH Act, 1988.



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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.140 of 2022 as against the petitioner pending before the Judicial Magistrate Court, Tirumangalam, 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.140 of 2022, on the file of the Judicial Magistrate Court, Tirumangalam, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

08.02.2023

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

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



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K.MURALI SHANKAR,J.

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