



Crl.O.P.(MD)No.42 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.42 of 2023

1.Merlin Mary
2.M.Ravikumar
3.M.Jayakumar
4.LeslinAnto
5.Genaksh @ Jenexlin

... Petitioners

Vs.

1.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.205 of 2019)

2.Pethalin Anusha

... 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.3 of 2022, dated 15.09.2019 on the file of the learned Judicial Magistrate Court, Padmanabhapuram, Kanyakumari District and quash the same.

For Petitioners : Mr.G.Aravindan,



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

For R2 : Mr.PL.S.Solai Alagan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records relating to the impugned charge sheet in C.C.No.3 of 2022, dated 15.09.2019 on the file of the learned Judicial Magistrate Court, Padmanabhapuram, Kanyakumari District and quash the same.

2. The case of the prosecution is that due to previous enmity, on 05.04.2019 at about 11.00 am, the petitioners trespassed into the defacto complainant's house, abused the defacto complainant in filthy language and threatened him with dire consequences and also attacked him. Hence, the complaint.

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.205



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of 2019 and after investigation and filing of the charge sheet, the same was taken cognizance in C.C.No.3 of 2022 on the file of the Judicial Magistrate Court, Padmanabhapuram, Kanyakumari District, against 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 petitioner 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 Mr.T.Rajan Stanly, SSI, Thuckalay Police Station, Kanyakumari 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. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 147,



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148, 294(b), 323, 448, 506(i) IPC and Section of TNPHW Act.

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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.3 of 2022 pending before the Judicial Magistrate Court, Padmanabhapuram, 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.3 of 2022, on the file of the Judicial Magistrate Court, Padmanabhapuram, Kanyakumari District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

02.02.2023

NCC : Yes/No
Index : Yes / No

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Internet : Yes / No
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To

- 1.The Judicial Magistrate,
Padmanabhapuram,
Kanyakumari District,
- 2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.42 of 2023

Dated: 02.02.2023