



Crl.O.P.(MD)No.46 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.46 of 2023

1.N.Somasundaram

2.Avu Raja

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
(Crime No.49 of 2019)

2.Lakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the C.C.No.1999 of 2022 on the file of the learned Judicial Magistrate Court No.III, Tirunelveli and quash the proceedings as against the petitioners herein.

For Petitioners : Mr.C.Saravanakumar,

For R1 : Mr.R.Sivakumar,
Government Advocate (Crl. Side)



WEB COPY



Crl.O.P.(MD)No.46 of 2023

For R2 : Mr.A.Sanakararamasubramanian,

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the C.C.No.1999 of 2022 on the file of the learned Judicial Magistrate Court No.III, Tirunelveli and quash the proceedings as against the petitioners herein.

2. The case of the prosecution is that on 24.03.2019, at about 11.00 pm, the petitioners trespassed into the defacto complainant's land and cleared the brushes through Bulldozer, that when the same was questioned by the defacto complainant, the petitioners assaulted the defacto complainant and also threatened him with dire consequences. 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.49



Crl.O.P.(MD)No.46 of 2023

of 2019 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.1999 of 2022 on the file of the Judicial Magistrate No.III, Tirunelveli, for the offences under Sections 447, 294(b), 323, 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, 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 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 M.Arumugam, S.S.I, Gangaikondan Police Station, Tirunelveli 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.



Crl.O.P.(MD)No.46 of 2023

6. In the instant case, the dispute is civil 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 447, 294(b), 323, 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

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 Gujraath*** 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.1999 of 2022 as against the petitioner pending before the learned Judicial Magistrate No.III, Tirunelveli 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.1999 of 2022, on the file of the learned Judicial



Crl.O.P.(MD)No.46 of 2023

Magistrate No.III, Tirunelveli District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

24.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Judicial Magistrate No.III,
Tirunelveli District.
- 2.The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.46 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.46 of 2023

Dated: 24.01.2023