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Crl.OP.No.19617 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.19617 of 2024

Ranjjieth Varhmen

... Petitioner

Vs.

1. State rep. By

The Sub-Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore District.
Crime No.964/2022.

2. Arumugam

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in CC No.2745 of 2022 on the file of the Judicial Magistrate, No. II, Coimbatore and quash the same.

For Petitioner : Mr.Alwyn Prabakaran

For Respondents : Mr.K.M.D.Muhilan
Govt. Advocate (Crl. Side), for R1

Mr.S.Thamizharasan, for R2



Crl.OP.No.19617 of 2024

ORDER

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2. The case against the petitioner is that on 28.10.2022 at about 15.10 hours, the petitioner had attacked the Defacto Complainant and abused him in filthy language as well as threatened him of dire consequence. This has happened when the petitioner went to the School where his son was studying and wanted to see him. The complaint as well as the present affidavit filed would disclose that the petitioner herein who married one Shivani had a son by name Satvik. Due to misunderstanding between the husband and wife, Shivani along with her son was living in her father's house, who is none other than the Defacto Complainant in this case. When the petitioner has gone to see his son, the wordy altercation has led to physical assault leading to a complaint given by Arumugam/father-in-law of the petitioner and the same is now the subject matter of the criminal case.



Crl.OP.No.19617 of 2024

3. By efflux of time, the spouses were put to some term and has obtained divorce by mutual consent and also agreed to withdraw the cases pending against each other. As a consequence, this petition is filed to quash based on the compromise entered into between the parties. The law does not permit to quash the complaint in the light of compromise entered between the parties, particularly if the offence is not compoundable.

4. The alternate for the parties is to plead guilty or to contest the matter on merits. However, in this case, since the sparing parties are father-in-law and son-in-law and the major issue between them has been given quietus, the pendency of the criminal case shall not be pin to the parties. Hence to meet the ends of justice, it is appropriate to quash the case pending against the petitioner. The Defacto Complainant is present in this Court today and he expressed his willingness to withdraw the case and give quietus to the issue.



Crl.OP.No.19617 of 2024

5. In the light of the above fact, the Criminal Original Petition is allowed, the case against the petitioner stands quashed.

04.09.2024

jv

Index: Yes/No

Internet: Yes/No

To

1. The Judicial Magistrate No. II,
Coimbatore.
2. The The Sub-Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras



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CrI.OP.No.19617 of 2024

Dr.G.JAYACHANDRAN,J.

jv

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