



CrI.O.P.(MD)No.684 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.684 of 2024
and
CrI.M.P.(MD)Nos.406 and 407 of 2024

1. Kamatchi,

2. Kalimuthu,

... Petitioners

Vs

The State represented by
1. The Inspector of Police,
Fort Police Station,
Trichy City.
Cr.No.998/2021.

2. Devid Muthuraj,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned Charge Sheet in CC No.466/2022 on the file of Judicial Magistrate -1, Trichy West and quash the same as against this petitioner alone.

For Petitioner : Mr.T.Dinesh

For R1 : Mr.B.Thanga Aravindh
Government Advocate(CrI.side)

For R2 : Mr.S.Ramsundar Vijayaraj



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ORDER

The petitioners are accused in C.C.No.466 of 2022 on the file of the learned Judicial Magistrate No.I, Trichy West, for the offence under Sections 294(b), 353, 355 and 506(2) IPC. They have filed this petition to quash the proceedings pending against them.

2.The Case of the prosecution is that on 21.09.2021, due to previous enmity, the petitioners abused the defacto complainant using filthy language, attacked him with slipper on his head and caused minor injury. They also gave life threat to the defacto complainant. Hence the complaint.

3.The Defacto complainant and the accused are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 23.01.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this court has directed the investigation officer in Crime No.998 of 2021 to personally verify with the defacto complainant and to ascertain whether the compromise is voluntary one, without any threat or coercion. The



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investigating officer, after due verification, has filed a report as under:

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This is to certify that, as directed by this Court in CrI.O.P.(MD)No.684 of 2024, I personally verified the defacto complainant in Cr.No.998 of 2021, for the offence under Sections 294(b), 353, 355 and 506(2) IPC and ascertained that the compromise arrived between the accused and the defacto complainant/victims in the above case is voluntary, without any threat or coercion.

I further clarify that there are no other victims in this case, except the victims appeared before this Hon'ble Court today.

5.The parties are present. This Court has verified the parties with their Aadhaar cards and also verified as to the present status. The defacto complainant has expressed his willingness to solve the issue. Since the parties have reached a settlement, the continuance of legal proceedings would serve no purpose. The conflict is between the private individuals and it is not affecting the society at large.

6.Under such circumstances and in the light of the guidelines issued by the Hon'ble Supreme Court reported in **2017 9 SCC 641 - (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in the **State of Madhya Pradesh Vs.**



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Dhruv Gurjar and Another reported in ***(2019) 2 MLJ CrI 10***, this Court, in exercise of its jurisdiction under Section 482 Cr.P.C, is inclined to quash the charge sheet in C.C. No.466 of 2022, on the file of the learned Judicial Magistrate No.I, Trichy West, though certain offence are non-compoundable in order to avoid further conflict between the parties.

7.Accordingly, by recording the compromise memo, dated 23.01.2024 this criminal original petition is allowed and the case in C.C. No.466 of 2022, on the file of the learned Judicial Magistrate No.I, Trichy West, is hereby quashed. The joint compromise memo, dated 23.01.2024, shall form part and parcel of this order.

8.Considering the energy and time spent by the respondent police during the course of investigation, the petitioners are directed to pay a sum of Rs.10,000 (each) to the respondent police station.

08.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
LR



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.PUGALENDHI,J

LR

To

1.The learned Judicial Magistrate No.I,
Trichy West

2. The Inspector of Police,
Fort Police Station,
Trichy City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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