



CrI.O.P.(MD)No.1066 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.Wins @ Donald Vins
2.Kumar @ Jeyakumar
3.Durai @ Antony Legori
4.Mani @ Subramani @ E.M.Manikandaprasad
5.Ramesh @ Manikandan
6.Sureshkumar ... Petitioners

Vs.

1.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(In Crime No.116 of 2002)

2.Theodersam ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records of charge sheet in S.C.No.275 of 2022 on the file
of the Additional District and Sessions Court, Padmanabhapuram and
quash the same.

For Petitioners : Mr.C.Mayilvahana Rajendran

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (CrI. Side)

For R2 : Mr.S.C.Herold Singh



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ORDER

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This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in S.C.No.275 of 2022 on the file of the learned Additional District and Sessions Court, Padmanabhapuram and quash the same as against the petitioner.

2.The case of the prosecution is that due to previous enmity, the accused persons attacked the defacto complainant with deadly weapons and hence, the defacto complainant has lodged a 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.116 of 2002 and after investigation and filing of the final report, the same was taken cognizance in S.C.No.275 of 2022 on the file of the Additional District and Sessions Court, Padmanabhapuram, for the offences under Sections 147, 148, 347, 324, 326, 307 IPC @ Sections 148, 341, 324, 326, 109, 307 r/w 149 IPC against the petitioners. He would further submit that A5 in this case died.



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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 petitioners 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 Mrs.C.Sujitha, Woman Special Sub Inspector of Police, Karungal Police Station, 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 power to quash the complaint for the offences under Sections 147, 148, 347, 324, 326, 307 IPC @ Sections 148, 341, 324, 326, 109, 307 r/w 149 IPC.



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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 S.C.No.275 of 2022, on the file of the Additional District and Sessions Court, Padmanabhapuram, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.275 of 2022, on the file of the Additional District and Sessions Court, Padmanabhapuram, is quashed and the joint compromise memo shall form part and parcel of this order.

28.10.2024

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

- 1.The Additional District and Sessions Court, Padmanabhapuram
- 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari 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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