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Crl.O.P.(MD) No.1157 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.1157 of 2024
and
CRL.M.P(MD).Nos.785 & 789 of 2024

Ganesan

...Petitioner

Vs

1.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Cr.No.512 of 2022)

2.Ramamoorthy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records of the impugned proceedings in C.C.No.711 of 2023 on the file of learned Judicial Magistrate Court No.I, Kovilpatti and quash the same as illegal.



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For Petitioner : Mr.K.Jeyamohan
For R1 : Mr.B.Thanga Aravindh
Government Advocate (CrI. Side)
For R2 : Mr.S.Samuel

ORDER

The petitioner is accused in C.C.No.711 of 2023 on the file of the learned Judicial Magistrate No.I, Kovilpatti, which was registered for the offence under Sections 294(b), 323, 324 and 506(ii) IPC, challenging the same, he has filed this petition to quash the proceedings pending against him.

2.The petitioner/accused and the defacto complainant are relatives. The Case of the prosecution is that due to family dispute between the petitioner and the de-facto complainant, the petitioner attacked the defacto complainant and also abused him in filthy language. Hence, the case.

3.The defacto complainant and the petitioner are present before this Court and they submitted that on the intervention of the elders, they have



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amicably resolved their issue. A compromise memo, dated 12.02.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this court has also directed the investigation officer, the Inspector of Police, Kovilpatti Police Station in Crime No.512 of 2022 to personally verify with the defacto complainant and to ascertain whether the compromise is voluntary one, without any threat or coercion. The investigating officer after due verification has filed a report as under:

This is to certify that, as directed by this Court in CrI.O.P.(MD)No.1157 of 2024, I personally verified the defacto complainant in Cr.No.512 of 2022, for the offence under Sections 294(b), 323, 324 and 506(ii) 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.



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

6. In view of the above development and in the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641- (Prabathbhai Aahir @ Parbathbhai Vs. State of Gujarath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh Vs.Dhruv Gurjar and Another reported in (2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C is inclined to quash the case in C.C.No.711 of 2023 on the file of the learned Judicial Magistrate Court No.I, Kovilpatti, though certain offence are non-compoundable in order to avoid further conflict between the parties

7.Accordingly, this criminal original petition is allowed and the case



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in C.C.No.711 of 2023 on the file of the learned Judicial Magistrate Court

No.I, Kovilpatti, is hereby quashed. Consequently, connected miscellaneous petitions are closed. The Joint Compromise Memo dated 12.02.2024, shall form part and parcel of this order.

23.04.2024

NCC : Yes/No

Internet:Yes/No

Index:Yes/No

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To

- 1.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.

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



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B.PUGALENDHI, J.

jbr

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