



Crl.O.P.(MD)No.2138 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2138 of 2024

- 1.Mushathick @ Syed Abdul Gaffoor
- 2.Syed Bahavudeen @ Mohamed Syed Bahavudeen
- 3.Saleem @ S.I Hussaini Deen ... Petitioners

Vs.

- 1.The Sub Inspector of Police,
Thideer Nager Police Station,
Madurai City.
(Crime No.116 of 2019)
- 2.Ameer Alam
- 3.Ishran @ Latif Sheriff
- 4.Althar @ NiyamathShahjuli ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for records in C.C.No.1717 of 2023 pending on the file of the
learned Judicial Magistrate No.V, Madurai and quash the same.



WEB COPY



Crl.O.P.(MD)No.2138 of 2024

For Petitioners : Mr.P.Murugesapandian
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R2 to R4 : Mr.S.Thirupathy

ORDER

The Criminal Original Petition has been filed seeking orders to quash the charge sheet in C.C.No.1717 of 2023 pending on the file of the Judicial Magistrate No.V, Madurai.

2. The case of the prosecution is that on 28.02.2019 at about 08.00 p.m., the petitioners attacked the respondents 2 to 4, abused them in filthy language and also threatened them with dire consequences.

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 2019 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.1717 of 2023 on the file of the Judicial Magistrate No.V, Madurai for the offences under Sections 294(b), 323, 324 and 506(2) IPC against the petitioners.



Crl.O.P.(MD)No.2138 of 2024

WEB COPY

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 respondents 2 to 4 and also by their respective counsels. The petitioners and the respondents 2 to 4 are present before this Court and and they were identified by Mr.N.Kumar, Special Sub Inspector, Thideer Nagar 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 to power to quash the complaint for the offence under Sections 294(b), 323, 324 and 506(2) IPC.

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



Crl.O.P.(MD)No.2138 of 2024

WEB COPY

(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.1717 of 2023 as against the petitioners pending before the Judicial Magistrate No.V, Madurai, 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.1717 of 2023, on the file of the Judicial Magistrate No.V, Madurai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

19.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



Crl.O.P.(MD)No.2138 of 2024

WEB COPY To

- 1.The Judicial Magistrate No.V,
Madurai.
- 2.The Sub Inspector of Police,
Thideer Nager Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.2138 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.2138 of 2024

Dated: 19.09.2024