



CrI.O.P.(MD)No.3353 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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1.Kayithe Millath

2.Seeni Ibramsha

3.Umar Katha

4.Kaliba @ Kalifa Khan

5.Seeni Umar Katha

... Petitioners

Vs.

1.The Sub Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.
Cr.No.01 of 2023

2.Abbas

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the complaint in C.C. No.235 of 2023 on the file of the learned Judicial Magistrate Court, Thiruppalaikudi for the alleged offences U/s 147, 323 & 506(1) IPC against the petitioners and quash the same as devoid of merits against the petitioners.



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For Petitioners : Mr.S.Atham Ali
For R1 : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)
For R2 : Mr.I.Kalantar Aasik Ahamedu

ORDER

The petitioners are accused in C.C.No.235 of 2023 on the file of the learned Judicial Magistrate Court, Thiruppalaikudi, which was registered for the offence under Sections 147, 323 and 506(1) IPC. They have filed this petition to quash the proceedings pending against them.

2.The petitioners and the defacto complainant are belong to the same village. The case of the prosecution is that there was a dispute between the fishermen, due to that motive, the accused persons attacked the defacto complainant and also threatened him with dire consequences. Hence,the case.

3.The petitioners and the defacto complainant 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 04.03.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise,



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this Court has directed the investigation officer in Crime No.244 of 2018 to personally verify with the defacto complainant and to ascertain whether the compromise is a 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.3353 of 2024, I personally verified the defacto complainant in Cr.No.01 of 2023/C.C.No.235 of 2023 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 also 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. Moreover, 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 issued by the Hon'ble Supreme Court in a case ***Parbathbhai Aahir @***



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Parbathbhai Vs. State of Gujrath reported in **2017 9 SCC 641**, and after exercising due caution as advised by the Hon'ble Supreme Court in ***The State of Madhya Pradesh v. 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 charge sheet in C.C.No.235 of 2023 on the file of the learned Judicial Magistrate Court, Thiruppalaikudi, though certain offence are non-compoundable in order to avoid further conflict between the parties.

7. Accordingly, by recording the compromise memo dated 04.03.2024 this criminal original petition is allowed and the case in C.C.No.235 of 2023 pending on the file of the learned Judicial Magistrate Court, Thiruppalaikudi is hereby quashed. The joint compromise memo dated 04.03.2024 shall form part and parcel of this order.

8. Considering the energy and time spent by the first respondent police at the time of investigation, the second respondent/defacto complainant is directed to pay a sum of Rs.10,000/- to the first respondent police station.

01.07.2024

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

- 1.The Judicial Magistrate Court,
Thiruppalaikudi.
- 2.The Sub Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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