



Crl.O.P.(MD)No.4274 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.4274 of 2024

Mohamed Gulam Mohaideen @
Mohamed Gulam Maideen

... Petitioner

Vs

1.The Inspector of Police,
South Gate Police Station,
Madurai City.
Crime No. 532 of 2023.

2.Bose

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in the charge sheet in STC No. 908 of 2024 in Crime No.532 of 2023 on the file of the Learned Judicial Magistrate No.IV, Madurai and quash the same.

For Petitioner
For R1

: Mr.S. Pakalavan,
: Mr.P.Kottaichamy
Government Advocate(Crl.side)
: Mr.M.Surendrakumar

For R2



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ORDER

The petitioner is the sole accused in STC.No.908 of 2024, on the file of the Judicial Magistrate Court No.IV, Madurai, for the offence punishable under Sections 294(b) and 323 IPC. He has filed this petition to quash the proceedings pending against him.

2.The case of the prosecution is that due to petty quarrel between the petitioner and the defacto complainant on 11.12.2023, the petitioner has pushed down him. Hence the complaint.

3.The petitioner 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, signed by both the parties in the month of March 2024, is also filed before this Court.

4.Before entertaining this application, on the ground of compromise, this court has also directed the investigation officer, namely, the Inspector of Police, South Gate Police Station, Madurai in



Crime No.532 of 2023 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 his report as under:

“This is to certify that, as directed by this Court in CrI.O.P.(MD)No.4274 of 2024, I personally verified the defacto complainant in Cr.No.532 of 2023, for the offence under Sections 294(b), 323 IPC in STC No.908 of 2024, on the file of the learned Judicial Magistrate Court No.IV, Madurai and ascertained that the compromise arrived between the accused and the defacto complainant 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 victim 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. They are the neighbours.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,



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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 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 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 proceedings in STC No.908 of 2024 on the file of the Judicial Magistrate Court No.IV, Madurai.

7.Accordingly, this petition is allowed and the proceedings in STC No.908 of 2024 on the file of the Judicial Magistrate Court No.IV, Madurai is hereby quashed. The Joint Compromise Memo arrived between the parties in the month of March 2024 shall form part and parcel of this order.

22.07.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

<https://www.mhc.tn.gov.in/>



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To

- 1.The Judicial Magistrate Court No.IV, Madurai.
- 2.The Inspector of Police,
South Gate Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

vrn

Order made in
CrI.O.P.(MD)No.4274 of 2024

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