



Crl.O.P.(MD)No.4276 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.4276 of 2024

and

Crl.M.P.(MD)Nos.3381 and 3382 of 2024

1.Vaikunda Mani @ Vaikunda Mani Subramanian

2.Rajalingam @ Rajalingam Subramanian

3.Rajesh @ Rajesh Sivalingam

... Petitioners

Vs.

1.State rep. by
The Sub Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Crime No.643 of 2015)

2.Krishnadurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records pertaining to the charge sheet in S.T.C.No.1145 of 2023 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and quash the same as illegal.



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For Petitioners : Mr.G.Anto Prince
For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R2 : Mr.M.Pozhilan

ORDER

The Criminal Original Petition has been filed seeking orders to quash the charge sheet in S.T.C.No.1145 of 2023 pending on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

2. The case of the prosecution is that there existed temple dispute between the parties and that on 09.09.2015, the petitioners abused the second respondent in filthy language and assaulted him and also caused criminal intimidation and broke the mirror of the second respondent's car.

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.643 of 2015 and after completing the investigation, final report came to be filed for the offences under Sections 427, 294(b), 342, 323 and 506(1)



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IPC against the petitioners and the case was taken on file in S.T.C.No. 1145 of 2023 and is pending on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

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 dated 23.04.2024 has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.S.Christhu Doss, Special Sub Inspector, Suchindram 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



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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 427, 294(b), 342, 323 and 506(1) 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 *(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.T.C.No.1145 of 2023 as against the petitioners pending before the Judicial Magistrate No.III, Nagercoil, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.1145 of 2023, on the file of the Judicial Magistrate No.III, Nagercoil, is quashed as against the petitioners and the joint compromise memo dated 23.04.2024 shall form part and parcel of



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this order. Consequently, connected Miscellaneous Petitions are closed.

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

To

- 1.The Judicial Magistrate No.III,
Nagercoil.
- 2.The Sub Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.4276 of 2024
and
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Dated: 11.09.2024