



Crl.O.P.(MD)No.4203 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.4203 of 2024

and

Crl.M.P(MD)Nos.3332 and 3335 of 2024

- 1.Krishnadurai @ Krishnadurai Ramanathan
- 2.Athi Chandran @ Athichandran Duraiswamy
- 3.Thiyaneshwaran @ Thiyaneswaran Paneerselvam : Petitioners

Vs.

- 1.State represented by
The Inspector of Police,
Suchindrum Police Station,
Kanyakumari District.
(Crime No.644 of 2015)
- 2.Balamurugan ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.104 of 2018 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and quash the same as illegal.

For Petitioners : Mr.G.Anto Prince



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For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

For R2 : Mr.M.Pozhilan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records in C.C.No.104 of 2018 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and quash the same as illegal.

2. The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant in filthy language and also attacked him with iron rod and caused injuries. Hence the complaint.

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.644 of 2015 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.104 of 2018 on the file of the Judicial Magistrate No.III, Nagercoil, for the offences under Sections 294(b), 323 506(2) of IPC against the petitioners.



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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 petitioner and the second respondent are present before this Court and and they were identified by Mr.Balachandar, Suchindrum Police Station, Kanyakumari District 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), 323 506(2) of 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



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(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 C.C.No.104 of 2018 as against the petitioners pending before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, 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.104 of 2018, on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, is quashed as against the petitioners and the joint compromise memo, dated 23.04.2024 shall form part and parcel of this order.

18.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

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



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.4203 of 2024
and
Crl.M.P(MD)Nos.3332 and 3335 of 2024

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