



Crl.O.P.(MD)No.4996 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.4996 of 2024

and

Crl.M.P.(MD)Nos.3907 & 3909 of 2024

1.Marichamy

2.Malaiyarsan

... Petitioners

Vs.

1.State rep by

The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(Crime No.245 of 2018)

2.Kavitha

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the charge sheet in STC.No.359 of 2018 on the file of the Judicial Magistrate Court, Aruppukottai and to quash the same as illegal as against the petitioners/Accused No.2 and 3 herein.

For Petitioners : Mr.G.Mariappan

For R1 : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For R2 : Mr.D.Mariappan



WEB COPY



CrI.O.P.(MD)No.4996 of 2024

ORDER

The petitioners are accused in STC.No.359 of 2018 on the file of the Judicial Magistrate Court, Aruppukottai, which was registered for the offence under Sections 109 and 427 IPC. They have filed this petition to quash the proceedings pending against them.

2.The petitioners and the defacto complainant belong to the same village. The case of the prosecution is that there is a dispute between the accused persons and the defacto complainant with regard to the election of Aruppukottai Nadar Uravin Murai, due to which, the accused threatened the defacto complainant with dire consequences and also damaged the building, computer, Xerox machine, UPS, and other articles, worth about Rs.2,93,652/-. Hence, the case.

3.The defacto complainant and the petitioners 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 02.04.2024 signed by both the parties, is also filed before this Court.

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

this court has also directed the investigation officer in Crime No.245 of 2018



CrI.O.P.(MD)No.4996 of 2024

to personally verify with the second respondent 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.4996 of 2024, I personally verified the defacto complainant in Cr.No.245 of 2018 /STC.No.359 of 2018, JM, Aruppukottai, for the offence under Sections 109 and 427 IPC 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 has verified the parties with their Aadhaar cards and also verified the present status. The second respondent has expressed her 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.



CrI.O.P.(MD)No.4996 of 2024

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 @ Parbathbhai Vs. State of Gujrat*** 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the charge sheet in STC.No.359 of 2018 on the file of the Judicial Magistrate Court, Aruppukottai, though certain offences are non-compoundable in order to avoid further conflict between the parties.

7. Accordingly, by recording the compromise memo dated 02.04.2024 this criminal original petition is allowed and the case in STC.No.359 of 2018 pending on the file of the Judicial Magistrate Court, Aruppukottai is hereby quashed. Consequently, connected miscellaneous petitions are closed. The joint compromise memo dated 02.04.2024 shall form part and parcel of this order.

05.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
gns



CrI.O.P.(MD)No.4996 of 2024

To

WEB COPY

- 1.The Judicial Magistrate Court,
Aruppukottai.
- 2.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.4996 of 2024

B.PUGALENDHI,J

gns

CrI.O.P.(MD)No.4996 of 2024

05.04.2024