



CrI.O.P.(MD)No.4680 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.4680 of 2024

1.Puvaneshwaran
2.Karthik

... Petitioners

Vs

1.The Sub Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
In Crime No.516 of 2016

2.Ramanathan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in the case in C.C.No.728 of 2019 on the file of the District Munsif Cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District and quash the same as illegal.

For Petitioners

: Mr.A.Karthick

For R1

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

For R2

: M/s.D.Thilaga Rani



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ORDER

The petitioners are accused in C.C.No.728 of 2019 on the file of the District Munsif Cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District for the offence under Sections 294(b), 323 and 506(i) IPC. They have filed this petition to quash the proceedings pending against them.

2.The case of the prosecution is that due to previous enmity, the petitioners attacked the defacto complainant with stick and hands and threatened him with dire consequences. Hence the complaint.

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 02.04.2023 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, namely, Mr.N.Krishna Moorthy, Head Constable, Thiruppuvanam Police Station in Crime No.516 of 2016 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.4680 of 2024, I personally verified the defacto complainant in Cr.No.516 of 2016, for the offence under Sections 294(b), 323 and 506(i) IPC in C.C.No.728 of 2019 on the file of the learned District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District 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 as to 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. More over, 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-**



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(*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 C.C.No.728 of 2019 on the file of the District Munsif Cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District.

7.However, considering the energy and time spent by the respondent police at the time of investigation, the petitioners are directed to pay a sum of Rs.5,000 (each) to the respondent police station within a period of one week from the date of receipt of a copy of this order.

8.Accordingly, this petition is allowed and the proceedings in C.C.No. 728 of 2019 pending on the file of the District Munsif Cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District, are hereby quashed. The Joint Compromise Memo dated 02.04.2023 shall form part and parcel of this order.

12.04.2024

NCC : Yes/No

<https://www.mhc.tn.gov.in/> Index : Yes/No



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Internet: Yes
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To

- 1.The District Munsif Cum Judicial Magistrate Court,
Thiruppuvanam, Sivagangai District.
- 2.The Sub Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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