



CrI.O.P.(MD)No.4979 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.4979 of 2024

and

CrI.M.P.(MD)Nos.3897 & 3898 of 2024

- 1.M.Sudhakar
- 2.T.Asaithambi
- 3.N.V.Kasimurugan
- 4.S.C.Saravanan
- 5.Sathiya
- 6.Anandh @ Saravanakumar
- 7.Sarath @ Senthilselvam
- 8.Uadhayakumar
- 9.Michel Raj
- 10.Venkateshwaran
- 11.S.R.Suresh Raja
- 12.Bala

... Petitioners

Vs.

- 1.State rep by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
(CrI.No.75 of 2016)



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Velraj (Died)

2.V.Muthukani

3.Jeyavel Pandian

... 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 C.C.No.445 of 2019 on the file of the Judicial Magistrate Court No.1, Srivilliputhur and to quash the same as illegal as against the petitioners/Accused No.1 to 12 herein.

For Petitioners : Mr.G.Mariappan

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

For R2 & R3 : Mr.D.Mariappan

ORDER

The petitioners are accused in C.C.No.445 of 2019 on the file of the Judicial Magistrate Court No.1, Srivilliputhur, which was registered for the offence under Sections 147, 148, 294(b), 506(i) r/w 109 IPC and Section 3 of TNPPDL Act. They have filed this petition to quash the proceedings pending against them.



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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 abused the defacto complainant in filthy language and also threatened him. Hence, the case.

3.It is now reported that the defacto complainant is no more. The wife and brother of the defacto complainant are present before this Court and they submit that they are not intended to prosecute the case further. The other victims have also agreed for the compromise. A compromise memo, dated 02.04.2024 signed by the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.75 of 2016 to personally verify with the second and third respondents and to ascertain whether the compromise is 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.4979 of 2024, I personally verified the
defacto complainant in Cr.No.75 of 2016 /C.C.No.445 of 2019,*

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



JM No.I, Srivilliputhur, for the offence under Sections 147, 148, 294(b), 506(i) r/w 109 IPC and Section 3 of TNPPDL Act 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 also verified the parties with their Aadhaar cards and also verified the present status. The second and third respondents have expressed their 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.

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 Gujrath*** 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 C.C.No.445 of 2019 on the file of the



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Judicial Magistrate Court No.1, Srivilliputhur, 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 C.C.No.445 of 2019 pending on the file of the Judicial Magistrate Court No.1, Srivilliputhur 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

To

1. The Judicial Magistrate Court No.1,
Srivilliputhur.
2. The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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