



CrI.O.P.(MD)No.4999 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.4999 of 2024

1.Mani

2.Mahesh @ Mahesh Kumar

... Petitioners

Vs.

1.State rep by
The Inspector of Police,
Ayikudi Police Station,
Tirunelveli District.
(In Crime No.153 of 2018)

2.Saravanan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned Charge Sheet in C.C.No.272 of 2019 on the file of the Judicial Magistrate Court, Shenkottai, Tenkasi District in Crime No.153 of 2018 dated 30.09.2018 under Sections 294(b), 324, 506(2)IPC on the file of the first respondent Police and quash the same as illegal.

For Petitioner

: Mr.I.Pinaygash



Crl.O.P.(MD)No.4999 of 2024

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

For R2 : Mr.N.Arjunkumar

ORDER

The petitioners are accused in C.C.No.272 of 2019 on the file of the Judicial Magistrate Court, Shenkottai, Tenkasi District, which was registered for the offence under Sections 294(b), 324 and 506(2) IPC. They have filed this petition to quash the proceedings pending against them.

2.The petitioners / accused and the defacto complainant are residing in the same village. The case of the prosecution is that the accused persons abused the defacto complainant in unparliamentary words and also attacked him.

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 13.03.2024 signed by the parties, is also filed before this Court.

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

<https://www.mhc.tn.gov.in/judicial> this Court has directed the investigation officer in Crime No.153 of 2018 to



personally verify with the defacto complainant 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.4999 of 2024, I personally verified the defacto complainant in Cr.No.153 of 2018/C.C.No.272 of 2019, JM, Shenkottai, for the offence under Sections 294(b), 324 and 506(2) 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 also verified the parties with their Aadhaar cards and also verified 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. 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 the case of Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath reported in 2017 9 SCC 641 and after



CrI.O.P.(MD)No.4999 of 2024

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.272 of 2019 on the file of the Judicial Magistrate Court, Shenkottai, Tenkasi District, though certain offence are non-compoundable and in order to avoid further conflict between the parties.

7.Accordingly, by recording the compromise memo dated 13.03.2024 this criminal original petition is allowed and the case in C.C.No.272 of 2019 pending on the file of the Judicial Magistrate Court, Shenkottai, Tenkasi District is hereby quashed. The joint compromise memo dated 13.03.2024 shall form part and parcel of this order.

8.Considering the energy and time spent by the first respondent police at the time of investigation, the second respondent/defacto complainant is directed to pay a sum of Rs.10,000/- to the first respondent police station.

05.04.2024

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



WEB COPY



CrI.O.P.(MD)No.4999 of 2024

To

- 1.The Judicial Magistrate Court,
Shenkottai,
Tenkasi District
- 2.The Inspector of Police,
Ayikudi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.4999 of 2024

B.PUGALENDHI,J

gns

CrI.O.P.(MD)No.4999 of 2024

05.04.2024