



Crl.O.P.(MD)Nos.6563 and 6564 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.6563 and 6564 of 2024

1.Subashini
2.Gurudevrajan
3.Bhuvaneshwari
4.Chandramohan
5.Vijay Anandh
6.Periyamayan
7.Kalairaja
8.Vijayalakshmi

... Petitioners in Crl.O.P.(MD)No.
6563 / 2024

1.Kavitha @ Rani

... Petitioner in Crl.O.P.(MD)No.
6564 / 2024

Vs.

1.State Rep by its The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
(Crime No.40 of 2022)

2.Kavitha @ Rani

... Respondents in Crl.O.P.(MD)No.
6563 / 2024

1.State Rep by its The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
(Crime No.40 of 2022)

2.Bhuvaneshwari

... Respondents in Crl.O.P.(MD)No.
6564 / 2024



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COMMON PRAYER : Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.Nos.417 and 880 of 2023 on the file of the Additional Mahila Court, Madurai District and the learned Judicial Magistrate No.II, Madurai District, respectively and quash the same as against the petitioners.

In Crl.O.P.(MD)No.6563 of 2024:

For Petitioner	: Mr.M.Jegadeesh Pandian
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R2	: Mr.B.Viswanathan

In Crl.O.P.(MD)No.6564 of 2024:

For Petitioner	: Mr.B.Viswanathan
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R2	: Mr.M.Jegadeesh Pandian

ORDER

These Criminal Original Petitions have been filed seeking to quash the charge sheets in C.C.Nos.417 and 880 of 2023 on the file of the Additional Mahila Court, Madurai District and the learned Judicial Magistrate No.II, Madurai District, respectively.

2. The case of the prosecution is that one Subashini and her family residing behind the house of one Kavitha @Rani used to burn plastic things and other wastages behind the house of Subashini. Since the said



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Subashini is an asthma patient, there arose a dispute. Hence, the case and counter case has been registered.

3. The learned counsel appearing for the petitioners in both the cases submit that the complaint and the counter complaint have been lodged before the first respondent and F.I.R. came to be registered in Crime Nos.34 and 40 of 2022, after investigation, final reports were filed and the same were taken cognizance in C.C.Nos.417 and 880 of 2023 on the file of the Additional Mahila Court, Madurai District and the learned Judicial Magistrate No.II, Madurai District, respectively.

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. Now, both realized their mistakes, reconciled and second respondent in both the cases agree to withdraw the complaint and are not willing to pursue the case.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioners and the second respondent in both the cases and their respective counsels. The petitioners and the second respondent in both the cases are present before this Court and identified by Mr.Janakiraman, SSI of Police, Thirupalai Police Station, Madurai District, as well as by



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the learned counsel appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

6. In the instant case, the petitioners and the second respondent in both the cases are neighbors. Now the parties have compromised the matter. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in (2012) **10 SCC 303** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** 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.Nos.417 and 880 of 2023 as against the petitioners in both petitions pending before the learned Additional Mahila Court, Madurai District and the learned Judicial Magistrate No.II, Madurai District, respectively, even though, the offences involved are not compoundable in nature.



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9. Accordingly, these Criminal Original Petitions are allowed and the proceedings in C.C.Nos.417 and 880 of 2023, on the file of the learned Additional Mahila Court, Madurai District and the learned Judicial Magistrate No.II, Madurai District, respectively, are quashed as against the petitioners in both petitions and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No

09.12.2024

Index : Yes / No

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To

- 1.The Additional Mahila Court,
Madurai District.
- 2.The Judicial Magistrate No.II,
Madurai District.
- 3.The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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