



Crl.O.P.(MD)No.5161 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.5161 of 2024

Vijay

... Petitioner

Vs.

1.The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
Cr.No.463 of 2021.

2.Sarmila

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records relating to the impugned charge sheet in C.C.
No.405 of 2022 on the file of the Judicial Magistrate Court, Devakottai,
Sivagangai District and quash the same.

For Petitioners : Mr.G.Hariharan

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

For R2 : Mr.T.Joshuva



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the proceedings in C.C.No.405 of 2022 on the file of the learned Judicial Magistrate Court, Devakottai, Sivagangai District and quash the same as against the petitioner.

2.The case of the prosecution is that due to previous enmity, the accused abused, attacked and threatened the second respondent and hence, the second respondent preferred a complaint.

3.The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.463 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.405 of 2022 on the file of the Judicial Magistrate Court, Devakottai, Sivagangai District, for the offences under Sections 294(b) and 352 IPC against the petitioner.



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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.

5.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.J.Namachivayam, Sub Inspector of Police, Devakottai Town Police Station, Sivagangai District as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 294(b) and 352 IPC.



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7.The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Panjab and another* reported in *(2012)10 SCC 303* and *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath* 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 charge sheet in C.C.No.405 of 2022 pending on the file of the Judicial Magistrate Court, Devakottai, Sivagangai District, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.405 of 2022, on the file of the Judicial Magistrate Court, Devakottai, Sivagangai District, is quashed and the joint compromise memo shall form part and parcel of this order.

25.09.2024

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

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



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K.MURALI SHANKAR,J.

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