



Crl.O.P.(MD) Nos.5308 & 5524 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) Nos.5308 & 5524 of 2024

CRL.O.P (MD) No.5308 of 2024

- 1.Gowthaman
- 2.Nagammal
- 3.Kowsalya
- 4.Rengabharathi
- 5.Aarthi
- 6.R. Vignesh
- 7.Anbalagan

...Petitioners/Accused Nos.1 to 7

Vs

- 1.The State rep. by
The Inspector of Police,
Manachanallur Police Station,
Trichy District.
(Cr.No.188 of 2019)

- 2.Sharmila

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the proceedings in C.C.No.134 of 2024 on the file of the learned Judicial Magistrate No.III, Tiruchirappalli.



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For Petitioner : Mr.M.Karunanithi
For R1 : Mr.M.Sakthikumar
Government Advocate (Crl. Side)
For R2 : Mr.D.Ramesh Kumar

CRL.O.P (MD) No.5524 of 2024

1.Balachandar
2.Renuka
3.Siranjeevi
4.Thillainathan
5.Aananth

...Petitioners/Accused Nos.1 to 5

Vs

1.The State rep. by
The Inspector of Police,
Manachanallur Police Station,
Trichy District.
(Cr.No.187 of 2019)

2.Gowthaman

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the proceedings in C.C.No.396 of 2021 on the file of the learned Judicial Magistrate/Additional Mahila Court, Trichirappalli.

For Petitioner : Mr.D.Ramesh Kumar
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R2 : Mr.M.Karunanidhi



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COMMON ORDER

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The petitioners are accused in C.C.Nos.134 of 2024 and 396 of 2021 on the file of the learned Judicial Magistrate No.III, Thiruchirappalli and the learned Judicial Magistrate/Additional Mahila Court, Thiruchirappali, which were registered for the offence under Sections 147, 294(b), 323 and 506(ii) IPC. They have filed these petitions to quash the proceedings pending against them.

2.The prosecution case is that due to wordy quarrel, the accused persons abused and assaulted the defacto complainant and their family. It is a case in counter.

3.The petitioners and the defacto complainants are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo (memo filed on 16.04.2024) signed by both the parties, is also filed before this Court.

4.Before entertaining these applications as the ground of compromise,



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this Court has directed the investigation officer the Inspector of Police, Manachanallur Police Station in Crime Nos.187 & 188 of 2019 to personally verify with the defacto complainants 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 Crl.O.P.(MD)Nos.5308 & 5524 of 2024, I personally verified the defacto complainants in Cr.Nos.187 & 188 of 2024, for the offence under Sections 147, 294(b), 323 and 506(ii) IPC and ascertained that the compromise arrived between the accused and the defacto complainant/victims in the above cases are 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 complainants have expressed their willingness to solve the issue. Since the parties have reached settlement, the continuance of legal proceedings would



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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 reported in **2017 9 SCC 641- (Prabathbhai Aahir @ Parbathbhai Vs. State of Gujarath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh Vs.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.Nos.134 of 2024 and 396 of 2021 on the file of the learned Judicial Magistrate No.III and the learned Judicial Magistrate/Additional Mahila Court, Tiruchirappalli, though certain offence are non-compoundable in order to avoid further conflict between the parties.

7. However, considering the conduct of the parties, this Court is inclined to impose a cost of Rs.5,000/- (Rupees Five Thousand only) on each of the parties. Both the defacto complainants as well as the accused in Crime Nos.187 & 188 of 2019, i.e., the petitioners herein are directed to pay



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Rs.5,000/- (Rupees Five Thousand only) each, to the office of the Chief Educational Officer, Trichy, within a period of three weeks from the date of receipt of a copy of this order. The said amount has to be utilized by the Chief Educational Officer, Trichy, for the purpose of establishing a Smart Class Room in any one of the remote Schools within Trichy District.

8. Accordingly, these criminal original petitions are allowed and the proceedings in C.C.Nos.134 of 2024 and 396 of 2021 pending on the file of the learned Judicial Magistrate No.III and learned Judicial Magistrate/Additional Mahila Court, Thiruchirappalli, are hereby quashed. The Joint Compromise Memo (Memo filed on 16.04.2024) shall form part and parcel of this order.

9. Post the case after eight weeks, for reporting compliance.

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

23.04.2024



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To

1. The Inspector of Police,
Manachanallur Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

jbr

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