



Crl.O.P.(MD)No.5248 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.5248 of 2024

Oli Mohamed

... Petitioner

Vs

1.The State Rep. by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram
Crime No.727 of 2020

2.Kasim

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned charge sheet in C.C.No.462 of 2022 before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District in FIR in Crime No.727 of 2020, dated 16.11.2020 on the file of the first respondent and quash the same insofar as the petitioners are concerned.

For Petitioner : Mr.K.Yasar Arafath

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

For R2 : Mr.K.Paulmurugan



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ORDER

The petitioner is an accused in C.C.No.462 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, for the offence under Sections 294(b), 324 and 506(ii) of IPC. He filed this petition to quash the proceedings pending against him.

2.The defacto complainant and the petitioner are brothers. The case of the prosecution is that due to previous enmity, the petitioner abused the defacto complainant in filthy language and threw the boiling milk to the defacto complainant. Hence the complaint.

3.The petitioner and the defacto complainant 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 26.03.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application, this Court has also directed the investigation officer, namely, Mr.K.Karthikeyan, Special Sub-Inspector of Police, Paramakudi Town Police Station, Ramanathapuram in Crime No.727 of 2020 to personally verify with the defacto complainant 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)No.5248 of 2024, I personally verified the defacto complainant in Cr.No.727 of 2020 in C.C.No.462 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District 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 has 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

given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-**



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(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), 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 Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the proceedings in C.C.No.462 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, though certain offence are non-compoundable and in order to avoid further conflict between the parties.

7. Accordingly, this criminal original petition is allowed and the case in C.C.No.462 of 2022 pending on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, is hereby quashed. The Joint Compromise Memo dated 26.03.2024 shall form part and parcel of this order.

12.04.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

sjj

To

1. The Judicial Magistrate, Paramakudi,
Ramanathapuram District.

2. The Inspector of Police,
Paramakudi Town Police Station,

Ramanathapuram

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



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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