



Crl.O.P.(MD)No.5520 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.5520 of 2024

1.Balamurugan

2.Sathis @ Sathish Raja

... Petitioners/A3 & A5

Vs.

1.State represented by
The Inspector of Police,
Pazhavur Police Station,
Tirunelveli District.
(Crime No.139 of 2015)

2.Packiam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S, to call for the records in P.R.C.No.56 of 2016 on the file of the Judicial Magistrate Court, Vallioor and quash the same against the petitioner.

For Petitioners : Mr.R.Ponkarthikeyan

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

For R2 : Mr.P.Suresh.



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ORDER

Memo dated 06.09.2024 filed by the petitioner is recorded.

This Criminal Original Petition has been filed, invoking Section 528 of B.N.S.S., seeking orders, to call for the records in P.R.C.No.56 of 2016 on the file of the Judicial Magistrate Court, Vallioor and quash the same against the petitioners.

2. The case of the prosecution is that on 14.05.2015, during temple festival, the accused persons pelted stones on the gate of the defacto complainant's house and when the same was questioned by the defacto complainant, the petitioners along with other accused persons trespassed into the defacto complainant's house and caused damage to the windows and doors and also criminally intimidated her. Hence, the 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.139



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of 2015 and after investigation and filing of the final report, the same was taken cognizance in P.R.C.No.56 of 2016 on the file of the Judicial Magistrate, Vallioor for the offences under Sections 147, 447, 294(b), 506(i) IPC and Section 3 of TNPPDL Act and Section 4 of TNPHW Act, against the petitioners.

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 petitioner 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.D.Subramanian, HC 859, Pazhavur Police Station, Tirunelveli 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.



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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 to power to quash the complaint for the offence under Sections 147, 447, 294(b), 506(i) IPC and Section 3 of TNPPDL Act and Section 4 of TNPHW Act.

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 proceedings in P.R.C.No.56 of 2016 as against the petitioner pending on the file of the Judicial Magistrate Court, Vallioor, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.56 of 2016 on the file of the Judicial Magistrate



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Court, Vallioor, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

06.09.2024

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

To

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



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.5520 of 2024

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