



Crl.O.P.(MD)No.5617 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.5617 of 2024

and

Crl.M.P.(MD)Nos.4332 and 4334 of 2024

1.Seenivasan
2.Balaji
3.Harbajan
4.Soundarraaj
5.Indhiragandhi @ Gandhimathi

... Petitioners

Vs.

1.State rep by
The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar District.
(Crime No.154 of 2015)

2.Ashok Velsamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the impugned proceedings in S.C.No.116 of 2019 on the file of learned Subordinate Judge, Aruppukottai and quash the same as illegal.



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For Petitioners : Mr.K.Jeyamohan
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R2 : Mr.S.Selva Aditya

ORDER

The Criminal Original Petition has been filed seeking orders to quash the charge sheet in S.C.No.116 of 2019 pending on the file of the Subordinate Court, Aruppukottai.

2. The case of the prosecution is that there existed business dispute between the first petitioner and the second respondent and that on 14.06.2015, the petitioners along with other accused had attacked the second respondent and two others and also threatened them with dire consequences.

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.154 of 2015 and after completing the investigation, the first respondent has



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filed the charge sheet against 6 persons including the petitioners and after committal, the case was taken on file in S.C.No.116 of 2019 for the offences under Sections 147, 148, 294(b), 324 and 307 IPC on the file of the Subordinate Court, Aruppukottai against six persons including the petitioners herein and thereafter, the case was split up as against the fourth accused Vigneshwaran.

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, the second respondent and two injured persons and also by their respective counsels. The petitioners, the second respondent and the injured persons are present before this Court and they were identified by Mr.S.Ravi Eswaran, Special Sub Inspector, Aruppukottai Taluk Police Station, 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



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amicable settlement between themselves.

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6. In the instant case, it is a business dispute 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, 148, 294(b), 324 and 307 IPC.

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 S.C.No.116 of 2019 as against the petitioners pending before the Subordinate Court, Aruppukottai, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the



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proceedings in S.C.No.116 of 2019, on the file of the Subordinate Court, Aruppukottai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

19.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Subordinate Court,
Aruppukkottai.
- 2.The Inspector of Police,
Aruppukottai Taluk Police Station,
Virudhunagar 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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Order made in
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Dated: 19.09.2024