



Crl.O.P.(MD)No.6798 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.6798 of 2024

and

Crl.M.P(MD)No.5205 of 2024

- 1.Sahul Hameed @ Saravanan
- 2.Sathik @ Ganjasathik
- 3.Nizar Mohamed @ Nizar Ahmed
- 4.Mohamed Yasar @ Arafath
- 5.Mansoor Alikhan @ Mansoor
- 6.Jawan Alikhan @ Jawan
- 7.Raj Kaboor
- 8.Samunali
- 9.Mohamed Jehath @ Jeehath
- 10.Mohamed Faish @ Faisal
- 11.Shahabudeen @ Sarupudin
- 12.Sahul Hameed @ Sahul
- 13.Ayoob khan @ Ayub



Crl.O.P.(MD)No.6798 of 2023

14.Abdul Manaf @ Ameer

15.Sirajudeen

16.Mohamed Thayar

17.Mussarmila @ Sarmila

18.Najibunnisha

19.Niharabanu @ Rihana

20.Sabana

21.Fathimajinna

22.Vahidha

23.Masutha Banu @ Masudha

24.Rasinnabeevi @ Rajina

25.Norrjakan

26.Marjuna

: Petitioners/A1 to A26

Vs.

1.State represented by
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
(Crime No.7 of 2013)

2.Haja Nasrudeen

3.Sajidha

... Respondents



Crl.O.P.(MD)No.6798 of 2023

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in C.C.No.129 of 2024 before the learned Judicial Magistrate, Pattukottai and quash the same.

For Petitioners : Mr.D.S.Haroon Rasheed

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

For R2 & R3 : Ms.N.Safiya

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records pertaining to the charge sheet in C.C.No.129 of 2024 before the learned Judicial Magistrate, Pattukottai and quash the same.

2. The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant and others in filthy language and also damaged two cars. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first



Crl.O.P.(MD)No.6798 of 2023

respondent and on that basis, FIR came to be registered in Crime No.7 of 2013 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.129 of 2024 on the file of the Judicial Magistrate, Pattukotai for the offences under Sections 147, 148, 324, 506(i) IPC and Section 3(1) of TNPPDL Act r/w Section 149 of IPC 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, dated 30.04.2024 has been filed before this Court which have been signed by the petitioners and the private respondents and also by their respective counsels. The petitioners and the private respondents are present before this Court and and they were identified by Mr.R.Jeyapal, SSI, Adhiramapattinam Police Station, Thanjavur 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.



Crl.O.P.(MD)No.6798 of 2023

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, 148, 324, 506(i) IPC and Section 3(1) of TNPPDL Act r/w Section 149 of 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 Gujraath*** 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 C.C.No.129 of 2024 as against the petitioners pending before the Judicial Magistrate, Pattukottai, 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.129 of 2024, on the file of the Judicial Magistrate, Pattukottai, is quashed as against the petitioners and the joint



Crl.O.P.(MD)No.6798 of 2023

compromise memo, dated 30.04.2024 shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

26.09.2024

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

To

- 1.The Judicial Magistrate, Pattukottai.
- 2.The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.6798 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.6798 of 2024
and
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Dated: 26.09.2024