



Crl.O.P.(MD)No.6234 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.06.2024

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

Crl.O.P.(MD)No.6234 of 2024

Paramasivam

... Petitioner

Vs.

1.The Inspector of Police,  
Thoothukudi North Police Station,  
Thoothukudi.  
Cr.No.534 of 2022.

2.Rajudurai

... Respondents

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in C.C.No.950 of 2023 pending on the file of the Judicial Magistrate No.III, Thoothukudi.

For Petitioner

: Mr.M.Manokumar

For R1

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

For R2

: Mr.P.Selva Sathish



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## **ORDER**

The petitioner is an accused in C.C.No.950 of 2023 on the file of the Judicial Magistrate No.III, Thoothukudi, which was registered for the offence under Sections 341, 294(b), 324 and 506(ii) IPC. He has filed this petition to quash the proceedings pending as against him.

2.The petitioner / accused and the defacto complainant are relatives. The case of the prosecution is that the defacto complainant is running a Hotel and he closed the same for his cousin's marriage. The accused persons waylaid the defacto complainant and quarrelled with him for closing the hotel. Hence, the case.

3.The defacto complainant and the petitioner 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 05.06.2024 signed by the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.534 of 2022 to personally verify with the defacto complainant and to ascertain whether the



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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 CrI.O.P.(MD)No.6234 of 2024, I personally verified the defacto complainant in Cr.No.534 of 2022/C.C.No.950 of 2023, JM-III, Thoothukudi 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 her willingness to solve the issue. Since the parties have reached settlement, the continuance of legal proceedings would serve no purpose.

6.In view of the above development and in the light of the guidelines issued by the Hon'ble Supreme Court in a case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***2017 9 SCC 641***, and after exercising due caution as advised by the Hon'ble Supreme Court in ***The State***



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*of Madhya Pradesh v. Dhruv Gurjar and Another* reported in **(2019) 2 MLJ**

**CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., is inclined to quash the charge sheet in C.C.No.950 of 2023 on the file of the Judicial Magistrate No.III, Thoothukudi, though certain offence are non-compoundable in order to avoid further conflict between the parties.

7.Accordingly, by recording the compromise memo 05.06.2024 this criminal original petition is allowed and the case in C.C.No.950 of 2023 pending on the file of the Judicial Magistrate No.III, Thoothukudi is hereby quashed. The joint compromise memo dated 05.06.2024 shall form part and parcel of this order.

**18.06.2024**

NCC : Yes/No  
Index : Yes/No  
Internet:Yes  
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To

- 1.The Judicial Magistrate No.III,  
Thoothukudi.
- 2.The Inspector of Police,  
Thoothukudi North Police Station,  
Thoothukudi.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI,J**

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