



Crl.O.P.(MD)No.6718 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.6718 of 2024
and Crl.M.P.(MD)Nos.5114 & 5115 of 2024

1.Gowtham
2.Naveen @ Naveen Kumar ... Petitioners

Vs.

1.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.468 of 2018)

2.Alagupandi ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records and quash the proceedings in C.C.No.879 of 2023
on the file of the Judicial Magistrate No.II, Sivagangai, Sivagangai
District, as against the petitioners herein.

For Petitioners : Mr.C.Suresh Kannan

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

For R2 : Mr.S.Ashok



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ORDER

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Cr.P.C., seeking orders to call for the records pertaining to the proceedings in C.C.No.879 of 2023 on the file of the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District and quash the same as against the petitioners.

2.The case of the prosecution is that the due to previous enmity, the petitioners abused the second respondent in filthy language and also attacked him with iron-rod and wooden-log and hence, the second respondent has lodged a 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. 468 of 2018 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.879 of 2023 on the file of the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District, for the offences under Sections 294(b), 324 & 506(ii) IPC r/w 34 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 has been filed before this Court which have been signed by the petitioners 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.S.Kumar, Special Sub Inspector of Police, Sivagangai Town Police Station, Sivagangai 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.

6.In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 294(b), 324 & 506(ii) IPC r/w 34 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*



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Gujrath) reported in *(2017)9 SCC 641* were taken into consideration.

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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.879 of 2023 on the file of the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District, 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.879 of 2023 on the file of the learned Judicial Magistrate No.II, Sivagangai, Sivagangai District, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

30.09.2024

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

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- 1.The Judicial Magistrate No.II,
Sivagangai,
Sivagangai District.
- 2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

gns

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