



CrI.O.P.(MD)No.6400 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

CrI.O.P.(MD)No.6400 of 2024

1.F.Jerone @ Jerone Antony

2.T.Reegan @ Reegan Jegarlath

3.M.Thatheus @ Thatheus Bejrin

4.M.Xavier Vimal

5.T.Antony

... Petitioners

Vs.

1.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.160 of 2010)

2.P.Jerone

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the proceedings in C.C.No.129 of 2010 on the file of the learned Judicial Magistrate, Eraniel and quash the same.

For Petitioner

: Mr.B.Brijesh Kishore



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CrI.O.P.(MD)No.6400 of 2024

For R1

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

For R2

: Mr.P.Venkatesan

ORDER

The petitioners are accused in C.C.No.129 of 2010 on the file of the learned Judicial Magistrate, Eraniel, which was registered for the offence under Sections 147, 148, 452, 294(b), 323, 326, 427, 506(ii) r/w 34 IPC. They have filed this petition to quash the proceedings pending as against them.

2.The petitioners / accused and the defacto complainant are residing in the same village. The case of the prosecution is that due to previous enmity, the accused persons abused the defacto complainant in filthy language and also attacked him. Hence, the case.

3.The defacto complainant and the petitioners 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 08.06.2024 signed by the parties, is also filed before this Court.



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4.Before entertaining this application on the ground of compromise, this court has also directed the investigation officer in Crime No.160 of 2010 to personally verify with the defacto complainant and to ascertain whether the compromise is a 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.6400 of 2024, I personally verified the defacto complainant in Cr.No.160 of 2010/C.C.No.129 of 2010, JM, Eraniel 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 his willingness to solve the issue. Since the parties have reached settlement, the continuance of legal proceedings would serve no purpose.



CrI.O.P.(MD)No.6400 of 2024

6.In view of the above development and in the light of the guidelines issued by the Hon'ble Supreme Court in a case ***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 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.129 of 2010 on the file of the learned Judicial Magistrate, Eraniel, though certain offence are non-compoundable in order to avoid further conflict between the parties, this Court is inclined to quash the proceedings, though certain offence are non-compoundable in order to avoid further conflict between the parties.

7.Accordingly, by recording the compromise memo 08.06.2024 this criminal original petition is allowed and the case in C.C.No.129 of 2010 pending on the file of the learned Judicial Magistrate, Eraniel is hereby quashed. The joint compromise memo dated 08.06.2024 shall form part and parcel of this order.

18.06.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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CrI.O.P.(MD)No.6400 of 2024

To

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



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CrI.O.P.(MD)No.6400 of 2024

B.PUGALENDHI,J

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CrI.O.P.(MD)No.6400 of 2024

18.06.2024