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Crl.O.P.(MD)Nos.9087 & 9261 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.9087 & 9261 of 2024

Crl.O.P.(MD)No.9087 of 2024

M.Manikandan

... Petitioner

Vs

1. State rep. by
The Inspector of Police,
Thirupparankundram Police Station,
Madurai.

2. R.Gunasekaran

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in relating to Crime No.591/2023 on the file of the Inspector of Police, Tirupparankundram Police Station, Madurai and to quash the same in respect of the petitioners/accused.

For Petitioner : Mr. P.Palani

For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)

For R2 : Mr.M.Neethi Rajan



Crl.O.P.(MD)Nos.9087 & 9261 of 2024

Crl.O.P.(MD)No.9261

1. R.Ramakrishnan,
2. R.Gunasekaran

... Petitioners

Vs

1. State rep. by
The Inspector of Police,
Thirupparankundram Police Station,
Madurai.
(Cr No.589/2023)

2. M.Manikandan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in relating to CC No.670/2024 on the file of the Judicial Magistrate No.VI, Madurai and to quash the same in respect of the Petitioners/Accused

For Petitioners	: Mr.Neethirajan.M
For R1	: Mr.B.Thanga Aravindh Government Advocate(Crl.side)
For R2	: Mr.P.Palani

COMMON ORDER

The petitioners are accused in CC No.670/2024 on the file of the Judicial Magistrate No.VI, Madurai, for the offence under Sections 294(b), 323, and 506(2) IPC and in Crime No.591 of 2023 on the file of the first



respondent for the offence under Section 294(b) and 323 of IPC, respectively.

They have filed this petition to quash the proceedings pending against them.

2.The petitioners and the defacto complainant are relatives. It is a case and counter case. The case of the prosecution is that on 05.11.2023, due to previous enmity, the petitioners abused the defacto complainant using filthy language and attacked him. Hence the complaint.

3.The Defacto complainants and the accused are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issue. Compromise memos, dated 06.06.2024 and 08.06.2024 signed by both the parties, are also filed before this Court.

4.Before entertaining this application on the ground of compromise, this court has directed the investigation officer in Crime Nos.591 of 2023 and 589 of 2023 to personally verify with the defacto complainants 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
Crl.O.P.(MD)Nos.9087 & 9261 of 2024, I personally verified*

the defacto complainant in Cr.No.591 of 2023 for the offence



under Sections 294(b) and 323 IPC and the defacto complainant in Crime No.589 of 2023 for the offence under Sections 294(b), 323, and 506(2) IPC and ascertained that the compromise arrived between the accused and the defacto complainants/victims in the above cases is voluntary, without any threat or coercion.

I further clarify that there are no other victims in this cases, 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 as to the present status. The defacto complainants have expressed their willingness to solve the issue. Since the parties have reached a settlement, the continuance of legal proceedings would serve no purpose. More over, the conflict is between the private individuals and it is not affecting the society at large.

6.Under such circumstances and in the light of the guidelines issued by the Hon'ble Supreme Court reported in **2017 9 SCC 641 - (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in the **State of Madhya Pradesh Vs. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Crl 10**, this Court, in



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exercise of its jurisdiction under Section 482 Cr.P.C, is inclined to quash the charge sheet in C.C. No.670 of 2024, on the file of the learned Judicial Magistrate No.VI, Madurai and the FIR in Crime No.591 of 2023 on the file of the Inspector of Police, Tirupparakundram Police Station, Madurai, though certain offence are non-compoundable in order to avoid further conflict between the parties.

7.Accordingly, by recording the Joint Compromise Memos, dated 06.06.2024 and 08.06.2024, these criminal original petitions are allowed and the case in C.C. No.670 of 2024, on the file of the learned Judicial Magistrate No.VI, Madurai and the FIR in Crime No.591 of 2023 on the file of the first respondent, are hereby quashed. The joint compromise memos, dated 06.06.2024 and 08.06.2024, shall form part and parcel of this order.

15.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
jbr



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B.PUGALENDHI,J

jbr

To

1.The learned Judicial Magistrate No.VI,
Madurai.

2.The Inspector of Police,
Thirupparankundram Police Station,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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