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CrI.O.P.(MD)No.9171 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9171 of 2024

1. Veera Lakshmi

2. Punitha

... Petitioners

Vs

State represented by

1. The Sub Inspector of Police,
Seithur Police Station,
Virudhunagar City.
Cr.No.291/2023.

2. Gurunathan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned Charge Sheet in CC No.100/2024 pending on the file of Judicial Magistrate, Rajapalayam and quash the same as against the petitioners .

For Petitioner : Mr.R.Rajamohan

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : Mr.N.Rajasekar



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ORDER

The petitioners are accused in C.C.No.100 of 2024 on the file of the learned Judicial Magistrate, Rajapalayam, for the offence under Sections 294(b), 324 and 506(ii) IPC. They have filed this petition to quash the proceedings pending against them.

2.The 2nd petitioner and the defacto complainant are husband and wife. The Case of the prosecution is that due to matrimonial dispute, the petitioners abused the defacto complainant in filthy language and assaulted him with a wooden log on his head and caused injuries. Hence the case.

3.The Defacto complainant and the accused 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 25.06.2024 signed by both 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.291 of 2023 to personally verify with the defacto complainant and to ascertain whether the compromise is voluntary one, without any threat or coercion. The



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investigating officer, after due verification, has filed a report as under:

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This is to certify that, as directed by this Court in CrI.O.P.(MD)No.9171 of 2024, I personally verified the defacto complainant in Cr.No.291 of 2023, for the offence under Sections 294(b), 324 and 506(ii) IPC 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 as to the present status. The defacto complainant has expressed his willingness to solve the issue. Since the parties have reached a settlement, the continuance of legal proceedings would serve no purpose. 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

<https://www.mhc.tn.gov.in/> as advised by the Hon'ble Supreme Court in the **State of Madhya Pradesh Vs.**



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Dhruv Gurjar and Another reported in (2019) 2 MLJ Crl 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.100 of 2024, on the file of the learned Judicial Magistrate, Rajapalayam, though certain offence are non-compoundable in order to avoid further conflict between the parties.

7. Accordingly, by recording the compromise memo, dated 25.06.2024 this criminal original petition is allowed and the case in C.C. No.100 of 2024, on the file of the learned Judicial Magistrate, Rajapalayam, is hereby quashed. The joint compromise memo, filed on 25.06.2024, shall form part and parcel of this order.

08.07.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

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B.PUGALENDHI,J

jbr

To

1.The learned Judicial Magistrate,
Rajapalayam.

2. The Sub Inspector of Police,
Seithur Police Station,
Virudhunagar City.

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

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