



CRL OP(MD)Nos. 10243 & 10381 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD)Nos.10243 & 10381 of 2024

CRL OP(MD)No.10243 of 2024

1. M.Suryakumar
2. S.Aswinkumar
3. R.Dineshwaran
4. Karthikselvam

... Petitioners

Vs

1. The Inspector of Police,
Villakuthoon Police Station,
Madurai District.
(Cr.No.26/2024)

2. S.Ponmunishwaran

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the STC No. 2376 of 2024 pending on the file of the learned Judicial Magistrate No.1 Madurai, and quash the same as illegal.



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CRL OP(MD)Nos. 10243 & 10381 of 2024

For Petitioner : Mr.K.Dinesh
For R-1 : M.Sakthi Kumar
Government Advocate (Crl. Side)
For R-2 : M/S.S.Thoppammal

CRL OP(MD)No.10381 of 2024

1. Ponmunishwaran
2. Arunkumar
3. Moosa
4. Mubarak ... Petitioners

Vs

1. The Inspector of Police,
Villakuthoon Police Station,
Madurai District.
(Cr.No.27/2024)

2. Sridevi ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the STC No. 2379 of 2024 is pending before the learned Judicial Magistrate No.1 Madurai and quash the same in so far as the petitioners are concerned.



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CRL OP(MD)Nos. 10243 & 10381 of 2024

For Petitioner : M/S. Thoppammal.S
For R-1 : M.Sakthi Kumar
Government Advocate (Crl. Side)
For R-2 : Mr.K.Dinesh

COMMON ORDER

The petitioners have filed these petitions, seeking to quash the proceedings in STC.Nos.2376 & 2379 of 2024 on the file of the Judicial Magistrate-I, Madurai, which were registered for the offence under Section 294(b), 323 and 506(i) of IPC. They have filed these petitions to quash the proceedings pending against them.

2.The petitioners and the defacto complainants belongs to same locality. It is case and counter case. The case of the prosecution is that due to previous enmity, the petitioners attacked the defacto complainant and threatened them. Hence the complaint.

3.The defacto complainant and the accused are present before this



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Court and they submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memos, dated 18.06.2024 & 16.07.2024 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 Nos. 26 & 27 of 2024 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.10243 & 10381 of 2024, I personally verified the defacto complainants in Cr.Nos.26 & 27 of 2024, for the offence under Sections 294(b), 323 and 506(i) of 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



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Court today.

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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. Moreover, the conflict is between the private individuals and it is not affecting the society at large.

6.In view of the above development 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 exercise of its jurisdiction under Section 482 Cr.P.C, is inclined to quash the proceedings in Crime No.76 of 2023, on the file of the first respondent, though certain offence are non-compoundable in order to avoid further conflict between the parties.



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7. Accordingly, by recording the compromise memos, dated 18.06.2024 & 16.07.2024 these criminal original petitions are allowed and the proceedings in STC.Nos.2376 & 2379 of 2024, on the file of the learned Judicial Magistrate No.I, Madurai, are hereby quashed. The joint compromise memos, dated 18.06.2024 & 16.07.2024, shall form part and parcel of these orders.

22.07.2024

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

1. The Inspector of Police,
Villakuthoon Police Station,
Madurai District.

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

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B.PUGALENDHI,J

jbr

Order made in
Crl.O.P.(MD)Nos.10243 & 10381 of 2024

22.07.2024