



*Crl.O.P.(MD)No.9785 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.9785 of 2024

M.Gomathisankar

... Petitioner

Vs.

1.State : Sub Inspector of Police,  
Mukkudal Police Station,  
Thirunelveli District.  
(Crime No.135 of 2022)

2.M.Thanushkumar  
3.D.Kavitha

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.218 of 2018 pending before the District Munsif cum Judicial Magistrate, Cheranmahadevi, Thirunelveli, Thirunelveli District and Quash the same as against this Petitioner / Accused.

For Petitioner : Mr.KA.Raamakrishnan

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

For R2 & R3 : Mr.Kali



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**ORDER**

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This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in C.C.No.218 of 2024 on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi, Thirunelveli, Thirunelveli District.

2. The case of the prosecution is that due to the property dispute between the parties, the petitioner threatened the respondents 2 and 3. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.135 of 2022. After investigation, a final report has been filed and the same was taken cognizance in C.C.No.218 of 2024 on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi, Thirunelveli, Thirunelvlei District, for the offences under Sections 294(b), 417, 420 & 506(2) of IPC r/w Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002, against the petitioner.



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4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, for the reason that sudden wordy quarrel led to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and second respondent is agreeing to withdraw the complaint and is not willing to pursue the case. The petitioner has also issued three cheques drawn in favour of the second respondent for a sum of Rupees 10 lakhs (No.734818), Rupees 10 lakhs (No.734817) and Rupees Nine Lakhs Twenty Seven Thousand and Eight Hundred Eighty (No.734816) and copies of the same have also been produced before this Court.

5. A Joint Memo of Compromise dated Nil, June, 2024 is filed before this Court signed by the petitioner and the respondents 2 and 3 and their respective counsels. The petitioner and the respondents 2 and 3 are present before this Court, identified by Mr.S.Mabujan, Special Sub Inspector of Police, (Contact : 94981 92985), Mukkudal Police Station, Thirunelveli District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties



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have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the dispute is of personal in nature arisen out of wordy quarrel and the sudden quarrel led to exchange of blows and the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b), 417, 420 & 506(2) of IPC r/w Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002.

7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in (2017) 9 SCC 641 was taken into consideration.

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.218 of 2024 as against the petitioners pending before the District Munsif cum Judicial Magistrate, Cheranmahadevi,



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Thirunelveli, Thirunelvlei 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.218 of 2024, on the file of the District Munsif cum Judicial Magistrate, Cheranmahadevi, Thirunelveli, Thirunelveli District, is quashed as against the petitioner and the joint compromise memo dated Nil, June, 2024, shall form part and parcel of this order.

NCC : Yes / No  
Index : Yes / No  
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**M.NIRMAL KUMAR, J.**

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To

- 1.The District Munsif cum Judicial Magistrate,  
Cheranmahadevi, Thirunelveli, Thirunelveli District.
- 2.The Inspector of Police,  
Mukkudal Police Station,  
Thirunelveli District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Order made in  
Crl.O.P.(MD)No.9785 of 2024

Dated:  
21.11.2024