



Crl.O.P.(MD)No.9651 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.9651 of 2024

1.Ramanathan

2.Dinesh @ Dineshkumar

: Petitioners/A1 & A2

Vs.

1.State represented by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.453 of 2022)

2.Annadurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the impugned proceedings in C.C.No.331 of 2022 on the file of the learned Judicial Magistrate, Melur, Madurai District and quash the same as illegal.

For Petitioners : Mr.K.Prabhu

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R2 : Mr.S.Senthil Sankaranathakumar



Crl.O.P.(MD)No.9651 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records of the impugned proceedings in C.C.No.331 of 2022 on the file of the learned Judicial Magistrate, Melur, Madurai District and quash the same as illegal.

2. The case of the prosecution is that there existed money dispute between the first petitioner and the defacto complainant, due to which, the petitioners abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.453 of 2022 and after investigation, filed the final report and the same was taken cognizance in C.C.No.331 of 2022 on the file of the learned Judicial Magistrate, Melur, Madurai District for the offences under Sections 294(b), 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, against the petitioners.



Crl.O.P.(MD)No.9651 of 2024

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise, dated 26.06.2024, has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.A.P.Thangapandian, Melur, S.I of Police, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act.



Crl.O.P.(MD)No.9651 of 2024

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***(2017)9 SCC 641*** were 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.331 of 2022 as against the petitioner pending before the file of the learned Judicial Magistrate, Melur, Madurai 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.331 of 2022, on the file of the learned Judicial Magistrate, Melur, Madurai District, is quashed as against the petitioners and the joint compromise memo dated 26.06.2024, shall form part and parcel of this order.

14.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



WEB COPY

To

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



Crl.O.P.(MD)No.9651 of 2024



WEB COPY



Crl.O.P.(MD)No.9651 of 2024

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.9651 of 2024

Dated: 14.08.2024