



Crl.O.P.(MD)No.13092 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13092 of 2024

1.Sekar

2.Sankanathan

3.Sangeetha

4.Chitra

5.Mayakkal

6.Dharmar

7.Oyyammal

... Petitioners

Vs.

1.The Inspector of Police,
Sindupatty Police Station,
Madurai District.
(Crime No.225 of 2016)

2.Lakshimi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records relating to case in C.C.No.1104 of 2022 on the file



Crl.O.P.(MD)No.13092 of 2024

of Judicial Magistrate Court, Thirumangalam, Madurai District and quash the same as against this petitioners.

For Petitioners : Mr.Deepan Chakravarthi

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

For R2 : Mr.S.Jebastin

ORDER

The Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to quash the charge sheet in C.C.No.1104 of 2022 pending on the file of the Judicial Magistrate, Thirumangalam.

2. The case of the prosecution is that due to previous enmity, on 12.10.2016, the first accused and the petitioners/accused 2 to 8 had abused the defacto complainant Kasimayan in filthy language and attacked him and his wife and son.

3. The learned counsel appearing for the petitioners would submit that one Kasimayan has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.225 of 2016 and after investigation and filing of the final report, the same was taken



Crl.O.P.(MD)No.13092 of 2024

on file in C.C.No.1104 of 2022 for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC against eight persons including the petitioners and is pending on the file of the Judicial Magistrate, Thirumangalam. He would further submit that the first accused and the defacto complainant were reported dead.

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 09.07.2024 has been filed before this Court which have been signed by the petitioners, the second respondent, who is the wife of the defacto complainant and the defacto complainant's son Naveen Kumar and also by their respective counsels. The petitioners, the second respondent and the said Naveen Kumar are present before this Court and and they were identified by M/s.R.Ramalakshmi, Women Special Sub Inspector, Sindupatti Police Station as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties



Crl.O.P.(MD)No.13092 of 2024

have come to an amicable settlement between themselves.

WEB COPY

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 147, 148, 294(b), 323, 324 and 506(2) IPC.

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.1104 of 2022 as against the petitioners pending before the Judicial Magistrate, Thirumangalam, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the



Crl.O.P.(MD)No.13092 of 2024

proceedings in C.C.No.1104 of 2022, on the file of the Judicial Magistrate, Thirumangalam, is quashed as against the petitioners and the joint compromise memo dated 09.07.2024 shall form part and parcel of this order.

16.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

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



WEB COPY



Crl.O.P.(MD)No.13092 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.13092 of 2024

Dated: 16.08.2024