



Crl.O.P.(MD)No.13580 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13580 of 2024

1.Jaffar Mohammed
2.Jalal Mohammed

... Petitioners

Vs.

1.The State Rep. by its
The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
(Crime No.46 of 2023)

2.Selvam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records of the charge sheet pending before the learned Judicial Magistrate No.V, Madurai in C.C.No.811 of 2024 in connection with Crime No.46 of 2023 dated 17.04.2023 on the file of the first respondent police and quash the same.

For Petitioners : Mr.J.Vijayaraja

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

For R2 : Mr.B.Karthick



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ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in C.C.No.811 of 2024 pending on the file of the Judicial Magistrate No.V, Madurai.

2. The case of the prosecution is that due to work dispute, on 17.04.2023, the petitioners had attacked the second respondent, abused him in filthy language and also caused criminal intimidation.

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.46 of 2023 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.811 of 2024 for the offences under Sections 294(b), 452, 323, 324 and 506(2) IPC against the petitioners and is pending on the file of the Judicial Magistrate No.V, Madurai.

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



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among themselves.

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5. A Joint Memo of Compromise dated 19.08.2024 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.M.Rajendran, Sub Inspector of Police, M.Chatrapatti Police Station, Madurai District, 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), 452, 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*



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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.811 of 2024 as against the petitioners pending before the Judicial Magistrate No.V, Madurai, 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.811 of 2024, on the file of the Judicial Magistrate No.V, Madurai, is quashed as against the petitioners and the joint compromise memo dated 19.08.2024 shall form part and parcel of this order.

30.08.2024

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



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WEB COPY To

- 1.The Judicial Magistrate No.V,
Madurai.
- 2.The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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Dated: 30.08.2024