



Crl.O.P.(MD)No.13008 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.13008 of 2023

1. Justin Babu,

2. Joseph Kennady,

3. Jesu Kathiravan,

4. Sakthivel,

... Petitioners

Vs

The State represented by

1. The Inspector of Police,
Palavoor Police Station,
Palavoor,
Tirunelveli District.
(Crime No.247/2014)

2. Lakshmi,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with PRC No. 10/2023 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District in connection with Crime No.247/2014 on the file of the Inspector of



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Police, Palavoor Police Station, Palavoor, Tirunelveli District and

subsequently quash the same as meritless forthwith.

For Petitioners	: Mr.J.Jeevin
For R1	: Mr.P.Kottai Chamy Government Advocate(Crl.side)
For R2	: Mr.K.Prabakaran

ORDER

The petitioners are accused in P.R.C.No.10 of 2023 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli, for the offence under Sections 147, 148, 452, 294(b), 465 and 506(ii) IPC and Section 3 of TNPPDL Act r/w Section 4 of TNPHW Act. They have filed this petition to quash the proceedings pending against them.

2.The Case of the prosecution is that on 22.09.2014, the accused persons trespassed into the defacto complainant's house, caused damages to the tune of Rs.1,47,000/-, abused the defacto complainant using filthy language and gave her life threat. The petitioners / accused and the defacto complainant belong to the same village.



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3.The petitioners and the defacto complainant are present before this Court and submitted that they have amicably resolved their issue. A compromise memo, dated 30.06.2023 signed by the parties, is also filed before this Court.

4.The learned Government Advocate (Crl.Side) submits that the fifth accused is not present before this Court.

5.Before entertaining this application on the ground of compromise, this Court has also directed the investigation officer in Crime No.247/2014 to personally verify with the defacto complainant 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)No.13008 of 2023, I personally verified the defacto complainant in Cr.No.247/2014, for the offence under Sections 147, 148, 452, 294(b), 465 and 506(ii) IPC and Section 3 of TNPPDL Act r/w Section 4 of TNPHW Act. 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 Court today.

6.The parties are present. This Court also verified the parties with their Aadhaar cards and also verified the present status. The defacto complainant has expressed her willingness to solve the issue. Since the parties have reached 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.

7.In the light of the guidelines given 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 CrI 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C is inclined to quash the case in P.R.C. No.10 of 2023, on the file of the learned Judicial Magistrate, Valliyoor, though certain offence are non-compoundable in order to avoid further conflict between the parties.



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this criminal original petition is allowed and the case in P.R.C. No.10 of 2023, on the file of the learned Judicial Magistrate, Valliyoor, is hereby quashed. The joint compromise memo, dated 30.06.2023 shall form part and parcel of this order.

9.Considering the energy and time spent by the respondent police at the time of investigation, the petitioners are directed to pay a sum of Rs.5,000 (each) to the respondent police station.

08.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
LR



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B.PUGALENDHI,J

LR

To

1. The Judicial Magistrate,
Valliyoor,
Tirunelveli District.

2.The Inspector of Police,
Palavoor Police Station,
Palavoor,
Tirunelveli District.

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

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