



Crl.O.P.(MD)No.12680 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12680 of 2024

and

Crl.M.P.(MD)Nos.7784 & 7786 of 2024

1.A.Balachandar

2.K.Ananth

3.M.Ramakrishnan

4.A.Suthakar

5.M.Aravinth

6.E.Manikandan

... Petitioners

Vs.

1.The Sub-Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(In Crime No.71 of 2022)

2.P.Manikandan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the case registered in Charge Sheet in C.C.No.674 of 2022 on the file of the learned Judicial Magistrate Court,



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Nanguneri, Tirunelveli District and quash the same as illegal so far as this petitioners are concerned.

For Petitioners : Mr.G.Anto Prince
For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)
For R2 : Mr.M.Pozhilan

ORDER

This Criminal Original Petition has been filed seeking orders to quash the charge sheet in C.C.No.674 of 2022 on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District.

2.The case of the prosecution is that on 19.05.2022, the accused persons asked the money which was borrowed by the second respondent and there arose some wordy quarrel, that the accused persons unlawfully assembled with criminal intention, trespassed into the second respondent's house, abused him in filthy language and also assaulted him and hence, the second respondent lodged a complaint.

3.The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first



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respondent and on that basis, FIR came to be registered in Crime No.71 of 2022 dated 20.05.2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.674 of 2022 on the file the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District, for the offences under Sections 147, 448, 294(b), 323 and 34 IPC against the petitioners.

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 03.08.2024 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.N.Sankar,Head Constable, Eruvadi Police Station, Tirunelveli Dsitriect 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.



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6.In the instant case, it is a dispute between the family members and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 147, 448, 294(b), 323 and 34 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.674 of 2022 on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli 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.674 of 2022 on the file of the learned Judicial Magistrate Court, Nanguneri, Tirunelveli District, is quashed and the



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joint compromise memo shall form part and parcel of this order.

Consequently, connected miscellaneous petitions are closed.

13.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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



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K.MURALI SHANKAR,J.

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