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Crl.O.P.(MD)No.13314 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13314 of 2024

Raj : Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Tharuvaikularm Police Station,
Thoothukudi District.
Crime No.112 of 2016.

2.Prem Ananth ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating in C.C.No.613 of 2023 in Crime No.112 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District and quash the same as against the petitioners.

For Petitioner : Mr.S.T.Sasidharan Tamilkani

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

: Mr.S.Moorthy, for R2.



ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records relating in C.C.No.613 of 2023 in Crime No.112 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District and quash the same as against the petitioners.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant, due to which, the petitioner abused the defacto complainant in filthy language and also attacked him. Hence, the complaint.

3. The learned counsel appearing for the petitioner 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.112 of 2016 and after investigation, filed the final report and the same was taken cognizance in C.C.No.613 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District, for the offences under Sections 294(b), 323, 427 and 506(ii) of IPC and against the petitioner. He would further submit that the counter case in



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Crime No.113 of 2016 came to be registered against the defacto complainant and the respondent police, after investigation, filed the final report and the same was taken cognizance in S.C.No.87 of 2020.

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 02.08.2024, has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by Mr.V.Subbiah, SSI, Tharuvaikularm Police Station, Thoothukudi 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), 323, 427 and 506(ii) of IPC.



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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.

9. 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.613 of 2023 as against the petitioner pending before the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi 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.613 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District, is quashed as against the petitioner and the joint compromise memo dated 02.08.2024, shall form part and parcel of this order.

04.09.2024

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

- 1.The District Munsif cum Judicial Magistrate,
Ottapidaram, Thoothukudi District.
- 2.The Inspector of Police,
Tharuvaikularm Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
CrI.O.P.(MD)No.13314 of 2024

Dated: 04.09.2024