



*Crl.O.P.(MD)No.12854 of 2024*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

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1.Balakumar

2.Palchamy

3.Maheswari

4.Alaguraja

5.Muthurani

6.Narayanan

7.Subbulakshmi

8.Velmurugan

: Petitioners/A1 to A8

Vs.

1.State rep by Sub-Inspector of Police,  
Nathampatti Police Station,  
Virudhunagar District.  
Crime No.397 of 2020.

2.Ramamoorthy

... Respondents



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**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.73 of 2023 on the file of the Judicial Magistrate Court No.I, Srivilliputhur, Virudhunagar District and quash the same as illegal, violation of law as against the petitioners/A1 to A8.

For Petitioners : Mrs.D.Thilagarani

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

For R2 : Mr.M.Jothi Basu

### **ORDER**

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the proceedings in C.C.No.73 of 2023 on the file of the learned Judicial Magistrate Court No.I, Srivilliputhur, Virudhunagar District.

2. The case of the prosecution is that there existed previous enmity between the petitioners and the defacto complainant, due to which, the petitioners attacked the defacto complainant and abused him in filthy language and also threatened him with dire consequences. Hence, the second respondent has lodged a complaint.



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3. When the matter is taken up for hearing today, 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.397 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.73 of 2023 on the file of the Judicial Magistrate Court No.I, Srivilliputhur, Virudhunagar District, for the offences under Sections 147, 294(b), 323 and 506(ii) IPC.

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 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.M.Venkatesan, SI, Nathampatti Police Station, Virudhunagar District as well as by the learned counsels appearing for the parties. This Court also



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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 147, 294(b), 323 and 506(ii) 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.73 of 2023 as against the petitioners pending before the Judicial Magistrate Court No.I, Srivilliputhur, Virudhunagar, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.73 of 2023 on the file of the learned Judicial Magistrate Court No.I, Srivilliputhur, Virudhunagar District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

**14.08.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
das

To

- 1.The Judicial Magistrate No.I,  
Srivilliputhur, Virudhunagar District.
- 2.The Sub-Inspector of Police,  
Nathampatti Police Station,  
Virudhunagar 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  
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