



Crl.O.P.(MD)No.12933 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12933 of 2024

and

Crl.M.P.(MD)Nos.7969 & 7970 of 2024

1.Sheik Abdulla

2.Sheik Abdulla

3.Syed Abuthaheer

4.Mohamed Ali Jinna

5.Usman Ali

6.Rahumaniya

7.Parsath Banu

... Petitioners

Vs.

1.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.51 of 2021)

2.Sithik Ali

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,



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to call for the records relating to the charge sheet in PRC.No.17 of 2022 on the file of the Judicial Magistrate Court No.I, Ramanathapuram District and quash the same as illegal.

For Petitioners : Mr.H.Mohammed Imran,
for M/S.Ajmal Associates.

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

For R2 : Mr.S.Vignesh Shunmugam

ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the proceedings in PRC.No.17 of 2022 on the file of the learned Judicial Magistrate Court No.I, Ramanathapuram District and quash the same as against the petitioner.

2.The case of the prosecution is that the second respondent's brother had dumped sand for constructing a house nearby to the first petitioner's house and the same was blocked the way to the free flow of



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septic tank water, there was a wordy quarrel between the parties and that the accused persons abused the defacto complainant in filthy language and also caused injury by using knife and hence, the defacto complainant lodged a complaint.

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.51 of 2021 and after investigation and filing of the final report, the same was taken cognizance in PRC.No.17 of 2022 on the file of the Judicial Magistrate Court No.I, Ramanathapuram District, for the offences under Sections 147, 148, 341, 294(b), 323, 324, 506(2) and 307 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 has been filed before this Court which have been signed by the petitioners and the second respondent and



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also by their respective counsels. The petitioners and the second respondent are present before this Court and they were identified by Mr.S.Kothalingam, Special Sub Inspector of Police, Devipattinam Police Station, Ramanathapuram 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 now 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, 148, 341, 294(b), 323, 324, 506(2) and 307 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



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the charge sheet in PRC.No.17 of 2022 pending before the Judicial Magistrate Court No.I, Ramanathapuram District, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.17 of 2022, on the file of the Judicial Magistrate Court No.I, Ramanathapuram District, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

24.09.2024

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

- 1.Judicial Magistrate Court No.I, Ramanathapuram District
- 2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram 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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