



Crl.O.P.(MD)No.12932 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.12932 of 2024

and

Crl.M.P.(MD)Nos.7964 & 7967 of 2024

1.Sithik
2.Asan Ali
3.Mohamed Riyas
4.Mohamed Nasurudeen
5.Ramalan Kani
6.Hajath Ammal
7.Azisa Banu

... Petitioners

Vs.

1.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.52 of 2021)

2.Usman Ali

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the charge sheet in PRC.No.16 of 2022 on the file of the Judicial Magistrate Court No.I, Ramanathapuram District and quash the same as illegal.



Crl.O.P.(MD)No.12932 of 2024

For Petitioners : Mr.S.Vignesh Shunmugam
For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)
For R2 : Mr.H.Mohammed Imran,
for M/S.Ajmal Associates.

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.16 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 accused No.2 dumped sand and building constructing materials near to the second respondent, which blocked way to the free flow of septic tank waste water and there was a wordy quarrel between the petitioners and the second respondent, due to which, the petitioners abused the defacto complainant in filthy language and also assaulted him and hence, the defacto complainant lodged a complaint.



CrI.O.P.(MD)No.12932 of 2024

WEB COPY

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.52 of 2021 and after investigation and filing of the final report, the same was taken on file in PRC.No.16 of 2022 on the file of the Judicial Magistrate Court No.I, Ramanathapuram District, for the offences under Sections 147, 148, 294(b), 323, 324, 307, 506(2) and 326 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 also by their respective counsels. The petitioners and the second respondent are present before this Court and 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



CrI.O.P.(MD)No.12932 of 2024

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, 294(b), 323, 324, 307, 506(2) and 326 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 charge sheet in PRC.No.16 of 2022 pending before the Judicial Magistrate Court No.I, Ramanathapuram District, even though, the offences involved are not compoundable in nature.



CrI.O.P.(MD)No.12932 of 2024

WEB COPY

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.16 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
gns

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.



WEB COPY



CrI.O.P.(MD)No.12932 of 2024

K.MURALI SHANKAR,J.

gns

CrI.O.P.(MD)No.12932 of 2024

24.09.2024