



Crl.O.P.(MD)No.13514 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13514 of 2024

and

Crl.M.P.(MD)Nos.8379 and 8380 of 2024

1.Shanthi Vedanayakam

2.Parisutham @ Muniyan

3.Manian @ Manivel

... Petitioners

Vs.

1.The State Rep. by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul.
(Crime No.226 of 2010)

2.Kamatchinathan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records relating to the charge sheet pending in C.C.No.497 of 2022 on the file of the Judicial Magistrate Court No.II, Kodaikanal and quash the same as illegal in so far petitioners are concerned.



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For Petitioners : Mr.R.Gandhi, Senior Counsel
for M/s.Gandhi Associates

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

For R2 : Mr.R.Karunanidhi

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in C.C.No.497 of 2022 pending on the file of the Judicial Magistrate No.II, Kodaikanal.

2. The case of the prosecution is that on 25.05.2010 at about 03.30 p.m., the petitioners along with other accused had trespassed into the agricultural land, where the second respondent was working, and threatened the second respondent and attacked him.

3. The learned Senior 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.226 of 2010 and after investigation and filing of the final report, the same



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was taken cognizance in C.C.No.353 of 2011 for the offences under Sections 147, 341, 323 and 506(1) IPC on the file of the District Munsif cum Judicial Magistrate, Kodaikanal against five persons including the petitioners/accused 1, 4 and 5 and that thereafter, the case was transferred and renumbered as C.C.No.497 of 2022 and is pending on the file of the Judicial Magistrate No.II, Kodaikanal. He would further submit that against the accused 2 and 3 summons are pending.

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 31.07.2024 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.R.Pandiaraj, Special Sub Inspector, Kodaikanal Police Station, Dindigul District as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and



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was satisfied that the parties have come to an amicable settlement between themselves.

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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, 341, 323 and 506(1) 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.497 of 2022 as against the petitioners pending before the Judicial Magistrate No.II, Kodaikanal, 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.497 of 2022, on the file of the Judicial Magistrate No.II, Kodaikanal, is quashed as against the petitioners and the joint compromise memo dated 31.07.2024 shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

30.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Judicial Magistrate No.II,
Kodaikanal.
- 2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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and
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Dated: 30.08.2024