



Crl.O.P.(MD)No.13612 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13612 of 2024

Suresh

... Petitioner

Vs.

State rep by

1.The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District.

2.The Inspector of Police,
Orathanadu Police Station,
Thoothukudi District.
(Crime No.255 of 2015)

3.Mahendran

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S.,
to call for records relating to the charge sheet in P.R.C.No.37 of 2017 on
the file of the District Munsif cum Judicial Magistrate, Orathanadu and
quash the same as against petitioner.

For Petitioner : Mr.M.Karthick

For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

For R3 : Mr.P.Praveen Kumar



Crl.O.P.(MD)No.13612 of 2024

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ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in P.R.C.No.37 of 2017 pending on the file of the District Munsif cum Judicial Magistrate, Orathanadu.

2. The case of the prosecution is that on 03.05.2015 at about 11.30 p.m., the petitioner and other accused persons assaulted the third respondent and his brother-in-law and threatened them with dire consequences. Hence, the second respondent lodged a complaint.

3. The learned counsel appearing for the petitioner would submit that the third respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.255 of 2015 against 7 named persons and 33 unknown persons and after investigation and filing of the final report, the same was taken cognizance in P.R.C.No.29 of 2017 on the file of the District Munsif cum Judicial Magistrate, Orathanadu for the offences under Sections 147, 148, 294(b), 323 and 506(1) IPC, Section 4 of TN Prohibition of



Crl.O.P.(MD)No.13612 of 2024

WEB COPY

Harassment of Women Act, 2002 and Section 3(l)(x) of SC/ST Act, 1989
against six persons including the petitioner/first accused.

4. It is not in dispute that as against the accused 2 to 5 the trial Court has acquitted them and as against the petitioner and sixth accused the case was ordered to be split up.

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the third respondent has already repaid the compensation amount of Rs.22,500/- on 05.09.2024, which was received by him earlier from the concerned Government authorities.

6. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

7. A Joint Memo of Compromise dated 07.08.2024 has been filed before this Court which have been signed by the petitioner and the third respondent and also by their respective counsels. The petitioner and the



Crl.O.P.(MD)No.13612 of 2024

third respondent are present before this Court and and they were identified by Mr.Kamaraj, Sub Inspector of Police, Orathanadu Police Station, Thanjavur 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.

8. 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, 148, 294(b), 323 and 506(1) IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Section 3(1)(x) of SC/ST Act, 1989.

9. 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.



Crl.O.P.(MD)No.13612 of 2024

WEB COPY

10. 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 P.R.C.No.37 of 2017 pending before the District Munsif cum Judicial Magistrate, Orathanadu, even though, the offences involved are not compoundable in nature.

11. Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.37 of 2017, on the file of the District Munsif cum Judicial Magistrate, Orathanadu, is quashed as against the petitioner and the joint compromise memo dated 07.08.2024 shall form part and parcel of this order.

05.09.2024

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

To

- 1.The District Munsif cum Judicial Magistrate,
Orathanadu.
- 2.The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Orathanadu Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)No.13612 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.13612 of 2024

Dated: 05.09.2024