



Crl.O.P.(MD)No.13410 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13410 of 2024

1.N.Senthil Rathinam
2.R.Nainar
3.N.Selvi
4.N.Kamalam

... Petitioners

Vs.

1.The Inspector of Police,
Palayamkottai,
Tirunelveli City.
(Crime No.60 of 2021)

2.K.Surya Prakash

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records in C.C.No.561 of 2023 on the file of the Judicial Magistrate Court No.1, Tirunelveli and quash the same.

For Petitioners : Mr.L.Subramania Kishore

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

For R2 : Mr.R.J.Karthick



CrI.O.P.(MD)No.13410 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.561 of 2023 on the file of the learned Judicial Magistrate Court No.1, Tirunelveli and quash the same as against the petitioners.

2.The case of the prosecution is that the defacto complainant and the fourth petitioners are husband and wife, that due to matrimonial dispute between them, the fourth petitioner lodged a complaint and that when the defacto complainant went Police Station for enquiry, the accused persons assaulted him and hence, he has 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.60 of 2021 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.561 of 2023 on the file of the Judicial Magistrate Court No.1, Tirunelveli, for the offences under Sections 147 and 323 IPC against the five accused including petitioners. He would further submit that the fifth accused Velumani had died on 12.08.2023.



CrI.O.P.(MD)No.13410 of 2024

WEB COPY

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.V.Mahadevan, Special Sub Inspector of Police, Palayamkottai Police Station,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, it is a family dispute and 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 and 323 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

3/6



CrI.O.P.(MD)No.13410 of 2024

(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.561 of 2023, on the file of the Judicial Magistrate Court No.1, Tirunelveli, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.561 of 2023, on the file of the Judicial Magistrate Court No.1, Tirunelveli, is quashed and the joint compromise memo shall form part and parcel of this order.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



CrI.O.P.(MD)No.13410 of 2024

WEB COPY

- To
- 1.The Judicial Magistrate Court No.1,
Tirunelveli.
 - 2.The Inspector of Police,
Palayamkottai,
Tirunelveli City.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.13410 of 2024

K.MURALI SHANKAR,J.

gns

Crl.O.P.(MD)No.13410 of 2024

29.10.2024