



Crl.O.P.(MD)No.14847 of 2024

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.14847 of 2024

and

Crl.M.P.(MD)No.9303 of 2024

1.Saraj Raj
2.Robin Son
3.Arul Smith

... Petitioners

Vs.

1.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.
(Crime No.222 of 2021)

2.Methyu
3.Auston
4.Albert

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the charge sheet in PRC.No.25 of 2024 before the District Munsif cum Judicial Magistrate, Menamelkudi and quash the same as against the petitioners.

For Petitioners : Mr.D.S.Haroon Rasheed



Crl.O.P.(MD)No.14847 of 2024

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

For R2 to R4 : M/s.N.Safiya

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the proceedings in PRC.No.25 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Menamelkudi and quash the same as against the petitioner.

2.The case of the prosecution is that on 10.05.2021, when the defacto complainant and others were consuming liquor, the accused persons came there and made quarrel with them and that they have attacked the defacto complainant and others with wooden-log and hence, the defacto complainant preferred a complaint.

3.The learned counsel appearing for the petitioner 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.222 of 2022 and after investigation and filing of the final report, the same



CrI.O.P.(MD)No.14847 of 2024

was taken cognizance in PRC.No.25 of 2024 on the file of the District Munsif cum Judicial Magistrate, Menamelkudi, for the offences under Sections 341, 294(b), 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.N.Dhanuskodi, Special Sub Inspector of Police, Manamelkudi Police Station, Pudukottai 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 the parties had compromised. Where the parties have compromised the



CrI.O.P.(MD)No.14847 of 2024

matter, the High Court has power to quash the complaint for the offences under Sections 341, 294(b), 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 proceedings in PRC.No.25 of 2024 pending before the learned District Munsif cum Judicial Magistrate, Menamelkudi, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.25 of 2024 , on the file of the learned District Munsif cum Judicial Magistrate, Menamelkudi, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

24.09.2024

gns



CrI.O.P.(MD)No.14847 of 2024

WEB COPY To

- 1.The District Munsif cum Judicial Magistrate,
Menamelkudi.
- 2.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.14847 of 2024

K.MURALI SHANKAR,J.

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CrI.O.P.(MD)No.14847 of 2024

24.09.2024