



CrI.O.P.(MD)No.16341 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.16341 of 2024

1.Gobi

2.Eesakkipandi

3.Raja @ Katturaja

: Petitioners/A1 to A3

Vs.

1.State of Tamil Nadu

The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli City.
(Crime No.234 of 2022)

2.Gomathi

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS., to call for the entire records pertaining to the charge sheet in C.C.No.408 of 2023 on the file of the District and Sessions Judge, Tirunelveli, dated 01.12.2022 and quash the same.

For Petitioners : Mr.S.Gokul Raj,



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For R1 : Mr.E.Antony Sahaya Prabhara,
Additional Public Prosecutor.

For R2 : Mr.S.Manojkumar

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of BNSS., seeking orders to call for the entire records pertaining to the charge sheet in C.C.No.408 of 2023 on the file of the District and Sessions Judge, Tirunelveli, dated 01.12.2022 and quash the same.

2. The case of the prosecution is that on 19.08.2022, when the defacto complainant was passing through the Meela street, at that time the first petitioner had dashed her two wheeler, abused her with filthy language and threatened with dire consequences with regard to the earlier complaint lodged by her against the third petitioner and when the same was questioned by the defacto complainant's mother, the petitioners attacked them with wooden log and caused criminal intimidation. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit



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that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.234 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.408 of 2023 on the file of the District and Sessions Judge, Tirunelveli, for the offences under Sections 341, 294(b), 323, 324, 307, 506(ii), 109 and 34 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, 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, dated 21.09.2024 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.S.Masanamoorthi, SSI, Thachanallur Police Station, Tirunelveli City, 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.

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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 341, 294(b), 323, 324, 307, 506(ii), 109 and 34 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002.

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.408 of 2023 as against the petitioners pending before the learned District and Sessions Judge, Tirunelveli, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the



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proceedings in C.C.No.408 of 2023, on the file of the learned District and Sessions Judge, Tirunelveli, is quashed as against the petitioners and the joint compromise memo, dated 21.09.2024 shall form part and parcel of this order.

23.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The District and Sessions Judge,
Tirunelveli.
- 2.The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
CrI.O.P.(MD)No.16341 of 2024

Dated: 23.10.2024