



*Crl.O.P.(MD)No.14467 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.14467 of 2024

1.Suresh

2.Rajesh

... Petitioners

Vs.

1.State Rep. by  
The Inspector of Police,  
Sipcot Police Station,  
Thoothukudi.  
(Crime No.235 of 2019)

2.Shanmugavel

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 B.N.S.S.,  
to call for the records and quash the proceedings in C.C.No.774 of 2023  
pending on the file of Judicial Magistrate No.III, Thoothukudi.

For Petitioners : Mr.M.Manokumar

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

For R2 : Mr.J.Mathan



*Crl.O.P.(MD)No.14467 of 2024*

**ORDER**

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The Criminal Original Petition has been filed seeking orders to quash the charge sheet in C.C.No.774 of 2023 pending on the file of the Judicial Magistrate No.III, Thoothukudi.

2. The case of the prosecution is that due to previous enmity, the petitioners attacked the second respondent and abused him in filthy language and also caused criminal intimidation.

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.235 of 2019 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.774 of 2023 for the offences under Sections 341, 294(b), 323, 324 and 506(2) IPC against the petitioners and is pending on the file of the Judicial Magistrate No.III, Thoothukudi.

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



***Crl.O.P.(MD)No.14467 of 2024***

among themselves.

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5. A Joint Memo of Compromise dated 16.09.2024 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 they were identified by Mr.Sivadararajan, Special Sub Inspector of Police, Sipcot Police Station, Thoothukudi, 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 matter, the High Court has to power to quash the complaint for the offence under Sections 341, 294(b), 323, 324 and 506(2) 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***



*Crl.O.P.(MD)No.14467 of 2024*

*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.774 of 2023 as against the petitioners pending before the Judicial Magistrate No.III, Thoothukudi, 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.774 of 2023, on the file of the Judicial Magistrate No.III, Thoothukudi, is quashed as against the petitioners and the joint compromise memo dated 16.09.2024 shall form part and parcel of this order.

**20.09.2024**

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

To

1.The Judicial Magistrate No.III,  
Thoothukudi.



***Crl.O.P.(MD)No.14467 of 2024***

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2.The Inspector of Police,  
Sipcot Police Station,  
Thoothukudi.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.O.P.(MD)No.14467 of 2024*

**K.MURALI SHANKAR,J.**

csn

Order made in  
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