



Crl.O.P.(MD)No.14795 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14795 of 2024

Senthilkumar

... Petitioner

Vs.

1.State rep by
The Inspector of Police,
Kallimandiyam Police Station,
Dindigul District.
(Crime No.200 of 2018)

2.Sathya

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records of the impugned charge sheet in C.C.No.414 of 2023 on the file of learned Judicial Magistrate, Ottanchathiram and quash the same as illegal.

For Petitioner : Mr.C.Susi Kumar

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

For R2 : Mr.R.Maheswaran



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ORDER

The Criminal Original Petition has been filed seeking orders to quash the charge sheet in C.C.No.414 of 2023 pending on the file of the Judicial Magistrate, Ottanchathiram.

2. The case of the prosecution is that there existed money dispute between the petitioner and the second respondent and that on 27.12.2018, the petitioner abused the second respondent and her family members in filthy language and also assaulted her.

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.200 of 2018 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.414 of 2023 on the file of the Judicial Magistrate, Ottanchathiram for the offences under Sections 294(b), 323 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Woman Act, 2002 against the petitioner.



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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 petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by Mr.V.Kumaresan, Special Sub Inspector, Kallimandiyam Police Station, Dindigul 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, it is a money dispute 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 294(b), 323 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Woman Act, 2002.

7. The legal position expressed by the Hon'ble Apex Court in the



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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.414 of 2023 as against the petitioner pending before the Judicial Magistrate, Ottanchathiram, 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.414 of 2023, on the file of the Judicial Magistrate, Ottanchathiram, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

18.09.2024

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



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To
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- 1.The Judicial Magistrate,
Ottanchathiram.
- 2.The Inspector of Police,
Kallimandiyam Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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