



Crl.O.P.(MD)No.15294 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15294 of 2024

1.N.Mani @ Manimaran
2.Ukkirapandi

... Petitioners

Vs.

1.The Inspector of Police,
Silaiman Police Station,
Madurai District.

2.Murugan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records pertaining to impugned charge sheet in C.C.No. 1133 of 2023 on the file of the learned Judicial Magistrate No.II, Madurai and to quash the same.

For Petitioners : Mr.A.S.Abul Kalaam Azad
for M/s.Spicy Law Firm

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

For R2 : Mr.P.Kannan



Crl.O.P.(MD)No.15294 of 2024

WEB COPY

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in C.C.No.1133 of 2023 pending on the file of the Judicial Magistrate No.II, Madurai.

2. The case of the prosecution is that the first petitioner had trespassed into the second respondent's property and when the same was questioned by the second respondent, the petitioners abused the second respondent in filthy language and also threatened him with dire consequences.

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.33 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.1133 of 2023 for the offences under Sections 447, 294(b) and 506(1) IPC against the petitioners and is pending on the file of the Judicial Magistrate No.II, Madurai.



Crl.O.P.(MD)No.15294 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 dated 09.09.2024 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 M/s.S.Booma, Special Sub Inspector of Police, Silaiman Police Station, Madurai 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 matter, the High Court has to power to quash the complaint for the offence under Sections 447, 294(b) and 506(1) IPC.

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



Crl.O.P.(MD)No.15294 of 2024

WEB COPY

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.1133 of 2023 as against the petitioners pending before the Judicial Magistrate No.II, Madurai, 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.1133 of 2023, on the file of the Judicial Magistrate No.II, Madurai is quashed as against the petitioners and the joint compromise memo dated 09.09.2024 shall form part and parcel of this order.

01.10.2024

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



Crl.O.P.(MD)No.15294 of 2024

WEB COPY To

- 1.The Judicial Magistrate No.II,
Madurai.
- 2.The Inspector of Police,
Silaiman Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.15294 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.15294 of 2024

Dated: 01.10.2024