



Crl.O.P.(MD)No.14990 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14990 of 2024

1.Muthu Selvam
2.Murugan

... Petitioners

Vs.

1.The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
(FIR No.139 of 2022)

2.V.Murugan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.292 of 2023 on the file of the Judicial Magistrate, Alangulam and quash the same by allowing the above criminal original petition.

(Prayer Amended as per order of the Court in Crl.MP(MD)No.10205 of 2024 in Crl.O.P.(MD)No.14990 of 2024)

For Petitioners : Mr.R.Manojkumar

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

For R2 : Mr.J.Gavin Silvester



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the proceedings in C.C.No.292 of 2023 on the file of the learned Judicial Magistrate, Alangulam and quash the same as against the petitioners.

2.The case of the prosecution is that when the second respondent drove his two wheeler, the accused persons parked their two wheeler in the middle of the road and the same was questioned by the second respondent and at that time, the accused persons abused the second respondent in filthy language and also threatened him with dire consequences and hence, the second respondent has lodged a complaint.

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.139 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.292 of 2023 on the file of the Judicial Magistrate, Alangulam, for the offences under Sections 294(b), 506(2) IPC against the petitioners.



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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 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.R.Poothapandian, Head Constable, Pappakudi Police Station 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 personal dispute and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 294(b), 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



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(2012)10 SCC 303 and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat** 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.292 of 2023 on the file of the Judicial Magistrate, Alangulam, 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.292 of 2023 on the file of the Judicial Magistrate, Alangulam, is quashed and the joint compromise memo shall form part and parcel of this order.

25.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate,
Alangulam.
- 2.The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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