



Crl.O.P.(MD)No.14917 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.14917 of 2024

1.Kalidas
2.Sakthivel
3.Sankar

... Petitioners

Vs.

1.The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
(Crime No.202 of 2023)

2.Kaliyappan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the case in C.C.No.9 of 2024 on the file of the Judicial Magistrate, Manapparai, Trichy District and quash the same.

For Petitioners : Mr.A.Mohammed Arief

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

For R2 : Mr.M.Pitchai Muthu



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ORDER

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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.9 of 2024 on the file of the learned Judicial Magistrate, Manapparai, Trichy District and quash the same as against the petitioners.

2.The case of the prosecution is that there existed a pathway dispute between the parties, due to which, the accused persons abused the second respondent in filthy language, attacked him and also threatened with dire consequences and hence, the second respondent has lodged a complaint.

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.202 of 2023 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.9 of 2024 on the file of the learned Judicial Magistrate, Manapparai, Trichy District, for the offences under Sections 341, 294(b), 323 and 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.M.Ramachandran, Special Sub Inspector of Police, Vaiyampatti 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 civil 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 341, 294(b), 323 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



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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.9 of 2024 on the file of the learned Judicial Magistrate, Manapparai, Trichy District, 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.9 of 2024 on the file of the learned Judicial Magistrate, Manapparai, Trichy District, 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,
Manapparai,
Trichy District.
- 2.The Inspector of Police,
Vaiyampatty Police Station,
Trichy 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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