



Crl.O.P.(MD)No.14988 of 2024

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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.14988 of 2024

1.Madhu @ Madhusudhanan

2.Prakash

3.Tamilarasan

4.Vadivel @ Rajkumar

... Petitioners

Vs.

1.The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.12 of 2017)

2.Vethavalli

3.Kalimuthu

4.Vikey @ Vikramacholan

5.Ayyar @ Ambalavaanan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to the charge sheet in PRC.No.8 of 2024



CrI.O.P.(MD)No.14988 of 2024

on the file of the learned Judicial Magistrate, Thiruvaiyaru and quash the same as illegal.

For Petitioners : Mr.T.Leninkumar

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

For R2 to R5 : Mr.D.Venkatesh

ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the proceedings in PRC.No.8 of 2024 on the file of the learned Judicial Magistrate, Thiruvaiyaru and quash the same as against the petitioners.

2.The case of the prosecution is that due to previous enmity, the accused persons attacked the third respondent, who is the son of the second respondent and also the respondents 4 & 5, who are the friends of the third respondent, that they have damaged the door of the second respondent's house and that they have threatened the second respondent with dire consequences and hence, the second respondent has preferred a complaint.



CrI.O.P.(MD)No.14988 of 2024

WEB COPY

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.12 of 2017 and after investigation and filing of the final report, the same was taken on file in PRC.No.8 of 2024 on the file of the Judicial Magistrate, Thiruvaiyaru, for the offences under Sections 294(b), 324, 448, 506(2), 326 IPC and Section 3 of the Tamilnadu Public Property (Prevention of Damage and Loss)Act, 1992 against the petitioners.

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 respondents 2 to 5 and also by their respective counsels. The petitioners and the respondents 2 to 5 are present before this Court and and they were identified by Mr.S.Surya, Sub Inspector of Police, Budalur Police Station, Thanjavur District as well as by the learned counsels appearing for the parties. This



CrI.O.P.(MD)No.14988 of 2024

WEB COPY

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 now 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), 324, 448, 506(2), 326 IPC and Section 3 of the Tamilnadu Public Property (Prevention of Damage and Loss)Act, 1992.

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 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 PRC.No.8 of 2024 pending on the file of the Judicial Magistrate, Thiruvaiyaru, even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD)No.14988 of 2024

WEB COPY

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.8 of 2024, on the file of the Judicial Magistrate, Thiruvaiyaru, 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,
Thiruvaiyaru.
2. The Inspector of Police,
Budalur Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.14988 of 2024

K.MURALI SHANKAR,J.

gns

Crl.O.P.(MD)No.14988 of 2024

25.09.2024