



Crl.O.P.(MD)No.15527 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15527 of 2024

Ganesamoorthy

... Petitioner

Vs.

1.State of Tamilnadu Rep. by
The Inspector of Police,
Kadambur Police Station,
Thoothukudi District.
(Crime No.62 of 2023)

2.Vetrisekar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records relating to the charge sheet in P.R.C.No.37 of 2024 in Crime No.62 of 2024 on the file of learned Judicial Magistrate No.II, Kovilpatti and quash the same as illegal.

For Petitioner : Mr.M.Prabu

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

For R2 : Mr.R.Bala krishnan



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ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in P.R.C.No.37 of 2024 pending on the file of the Judicial Magistrate No.II, Kovilpatti.

2. The case of the prosecution is that the petitioner posted his pictures with aruval in Instagram and when the same was questioned by the second respondent, the petitioner abused the second respondent and also threatened him with dire consequences.

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.62 of 2023 and after investigation and filing of the final report, the same was taken on file in P.R.C.No.37 of 2024 for the offences under Sections 153, 294(b) and 506(2) IPC and Section 25(1A) of Arms Act, 1959 against the petitioner and is pending on the file of the Judicial Magistrate No.II, Kovilpatti.



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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 M/s.M.Sathya, Sub Inspector of Police, Kadambur 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, 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 153, 294(b) and 506(2) IPC and Section 25(1A) of Arms Act, 1959.

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 P.R.C.No.37 of 2024 as against the petitioner pending before the Judicial Magistrate No.II, Kovilpatti, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.37 of 2024, on the file of the Judicial Magistrate No.II, Kovilpatti, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

03.10.2024

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



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To

- 1.The Judicial Magistrate No.II,
Kovilpatti.
- 2.The Inspector of Police,
Kadambur Police Station,
Thoothukudi 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
Crl.O.P.(MD)No.15527 of 2024

Dated: 03.10.2024