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CrI.O.P.(MD)No.18676 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.18676 of 2024

- 1.Sasikumar
- 2.Ganesa Moorthy
- 3.Thangam @ Pitchaimuthu
- 4.Sasikumar
- 5.Santhanam
- 6.Sonai
- 7.Ramar
- 8.Muthaiya
- 9.Muthukaruppan
- 10.Rajendran
- 11.Karuppiah @ Panchavarnam
- 12.Villathevan

... Petitioners

-Vs-

- 1.The State represented by
The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
(FIR No.56/2018)

- 2.Srinivasan

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya Nagarik Shuraksha Sanhita, to call for the records in S.C.No.76 of 2024 on the file of the learned Additional District Court, Aruppukottai, Virudhunagar District and quash the same.

For Petitioners	: Ms.M.Kala Murugappan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (CrI.Side)
For R2	: Ms.K.S.Keerthana



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ORDER

The Criminal Original Petition has been filed to quash the proceedings in S.C.No.76 of 2024 on the file of the learned Additional District Court, Aruppukottai, Virudhunagar District.

2. The case of the prosecution is that the petitioners are said to have abused the second respondent and assaulted him.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged complaint before the first respondent in Crime No.56 of 2018, and after investigation, final report was filed and the same was taken cognizance in S.C.No.76 of 2024, on the file of the Additional District Court, Aruppukottai, Virudhunagar District for the offences under Sections 147, 148, 294(b), 323 and 506(ii) IPC and Section 3 of TNPPDL Act 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. Now, both realized their mistakes, reconciled and second respondent agrees to withdraw the complaint.



5. A Joint Memo of Compromise is filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court and identified by Mr.I.Rajendran, SSI of Police, A.Mukkulam Police Station, Virudhunagar District, as well as by the learned counsel appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

6. In the instance case, there are totally 12 accused persons and it is a case and case in counter. In the counter case, the charge sheet has already been quashed by this Court in Crl.O.P.(MD)No.19948 of 2020. Now the parties in this case have compromised the matter. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.

7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* 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 S.C.No.76 of 2024 pending before the learned Additional District Court, Aruppukottai, Virudhunagar District even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the entire proceedings in S.C.No.76 of 2024, on the file of the learned Additional District Court, Aruppukottai, Virudhunagar District as against the petitioners is quashed and the joint compromise memo shall form part and parcel of this order.

10.12.2024

Index : Yes/No

Internet : Yes/No

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To

1.The Additional District Court, Aruppukottai, Virudhunagar District

2. The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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