



Crl.O.P.(MD)No.16062 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.16062 of 2024

1.Tamilselvam
2.Kingshilin
3.Hariharan

... Petitioners

Vs.

1.State of Tamil Nadu, Rep. by
The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(Crime No.227 / 2022)

2.Pandiarajan
3.Muruganantham

... Respondents

PRAYER:- Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records relating to C.C.No.230 of 2023, on the file of the Judicial Magistrate Court, Karaikudi, Sivagangai District and quash the same.

For Petitioners : Mr.S.Sathyachidambaram

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

For R2 and R3 : Mr.M.Dhinakar



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ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the proceedings in C.C.No.230 of 2023, on the file of the learned Judicial Magistrate Court, Karaikudi, Sivagangai District.

2. The case of the prosecution is that on 15.11.2022 at about 12:00 p.m., when the respondents 2 and 3 returned home, they were waylaid by the petitioners, who robbed Rs.45,000 from them. Hence, the second respondent (the de-facto complainant) lodged a complaint with the police, leading to the registration of an F.I.R. under Section 392 of the Indian Penal Code (IPC) (robbery). Upon further investigation, it was revealed that the incident stemmed from a prior enmity between the petitioners and the de-facto complainant. Instead of a robbery, it was found that the petitioners attacked the de-facto complainant and abused him. Hence, the charges were altered to include Sections 341, 294(b), 324 and 506(ii) of the I.P.C. and the respondent Police filed a final report, which was taken cognizance of in C.C.No.230 of 2023, by the learned Judicial Magistrate, Karaikudi, Sivagangai District.



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3. When the matter is taken up for hearing today, the learned counsel for the petitioners submitted that the second respondent had lodged a complaint before the first respondent, which led to the registration of F.I.R. in Crime No.227 of 2022. After investigation and the filing of the final report, the case was taken cognizance of in C.C.No. 230 of 2023 before the learned Judicial Magistrate, Karaikudi, Sivagangai District, for offences under Sections 341, 294(b), 324 and 506(ii) of the I.P.C. 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 and 3 and also by their respective counsels. The petitioners and the respondents 2 and 3 are present before this Court and they were identified by Mr.N.Ravichandran, Special Sub-Inspector of Police, Sakkottai Police Station, Sivagangai District, as well as by the learned counsels appearing



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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 parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offences under Sections 341, 294(b), 324 and 506(ii) of the I.P.C.

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 C.C.No.230 of 2023 as against the petitioners pending before the learned Judicial Magistrate, Karaikudi, Sivagangai District.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.230 of 2023, on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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18.12.2024

To

- 1.The Judicial Magistrate,
Karaikudi, Sivagangai District.
- 2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai 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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Order made in
Crl.O.P.(MD)No.16062 of 2024

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