



Crl.O.P.(MD)No.17426 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17426 of 2024

1.Vignesh
2.Arivanandhan
3.Abi @ Muralitharan
4.Mahalingam

... Petitioners

Vs.

1.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Cr.No.402 of 2022)

2.Marimuthu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records in connection with the impugned charge sheet in C.C.No.676 of 2023 pending on the file of the learned District Munsif cum Judicial Magistrate Court, Vendasur and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.S.Sarvagan Prabhu

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

For R2 : Mr.E.Jayakumar



CrI.O.P.(MD)No.17426 of 2024

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ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.676 of 2023 on the file of the learned District Munsif cum Judicial Magistrate Court, Vedasendur and quash the same as against the petitioners.

2.The case of the prosecution is that the defacto complainant borrowed money from the petitioners and failed to repay the same, that on 16.10.2022, when the defacto complainant was standing at village mandhi, the petitioners demanded the money borrowed from them by abusing the defacto complainant and that they have also attacked him and hence, the defacto complainant has lodged a complaint.

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.402 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.676 of 2023 on the file of the District



CrI.O.P.(MD)No.17426 of 2024

Munsif cum Judicial Magistrate Court, Vedaendur, for the offences under Sections 294(b), 323, 427 and 506(2) IPC 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 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.A.Muthuchamy, Special Sub Inspector of Police, Vadamadurai 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 money 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 294(b), 323, 427 and 506(2) IPC.



Crl.O.P.(MD)No.17426 of 2024

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 C.C.No.676 of 2023, on the file of the District Munsif cum Judicial Magistrate Court, Vendasendur, 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.676 of 2023, on the file of the District Munsif cum Judicial Magistrate Court, Vendasendur, is quashed and the joint compromise memo shall form part and parcel of this order.

28.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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CrI.O.P.(MD)No.17426 of 2024

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To

- 1.The District Munsif cum Judicial Magistrate Court, Vedaendur
- 2.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.17426 of 2024

K.MURALI SHANKAR,J.

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Crl.O.P.(MD)No.17426 of 2024

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