



Crl.O.P.(MD)No.16731 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16731 of 2024

1.Karthick

2.Sathishkumar

3.Sakthi @ Manimaran

4.Dhayaraj @ Dhaya

5.Chandrasekar @ Prabu

... Petitioners

Vs.

1.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(In Crime No.249 of 2023)

2.Malathi

3.Karunaidhasan @ Kannan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the proceedings in PRC.No.11 of 2024 on the file of the Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District and quash the same.

1/6



Crl.O.P.(MD)No.16731 of 2024

For Petitioners : Mr.R.Balamuruganantham
For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)
For R2 & R3 : Mr.UM.Berdinvinoth

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.11 of 2024 on the file of the learned Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District and quash the same as against the petitioners.

2.The case of the prosecution is that the third respondent herein promised the accused persons to get a job in abroad, that there was a delay in getting the visa and hence, there existed enmity between them, that on 20.09.2023, when the third respondent returned to home from the medical shop, the accused persons waylaid him, abused him in filthy language and also assaulted him and hence, the second respondent, who is the wife of the third respondent, lodged a complaint.



CrI.O.P.(MD)No.16731 of 2024

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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.249 of 2023 and after investigation and filing of the final report, the same was taken cognizance in PRC.No.11 of 2024 on the file of the Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District, for the offences under Sections 147, 148, 341, 294(b), 323, 307, 120B & 326 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 respondents 2 & 3 and also by their respective counsels. The petitioner and the respondents 2 & 3 are present before this Court and and they were identified by Mr.T.Govindan, Sub Inspector of Police, Thiruvadanai Police Station, Ramanathapuram District as well as by the learned counsels appearing



Crl.O.P.(MD)No.16731 of 2024

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 power to quash the complaint for the offences under Sections 147, 148, 341, 294(b), 323, 307, 120B & 326 IPC.

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.11 of 2024, on the file of the Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District, even though, the offences involved are not compoundable in nature.



CrI.O.P.(MD)No.16731 of 2024

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.11 of 2024, on the file of the Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District, is quashed and the joint compromise memo shall form part and parcel of this order.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate Court,
Thiruvadanai, Ramanathapuram District
- 2.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.16731 of 2024

K.MURALI SHANKAR,J.

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Crl.O.P.(MD)No.16731 of 2024

25.10.2024