



Crl.O.P.(MD)No.16365 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16365 of 2024

Arul Davidkumar

... Petitioner

Vs.

1.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.235 of 2023)

2.Chelladurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to PRC.No.59 of 2024 on the file of the Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.S.S.Sundarapandian

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

For R2 : Mr.M.Singaraja



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ORDER

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This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in PRC.No.59 of 2024 on the file of the Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District and quash the same as against the petitioner.

2.The case of the prosecution is that there existed a civil dispute between the parties, due to which, the accused abused the defacto complainant in filthy language and also assaulted him and hence, the defacto complainant has lodged a complaint.

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.235 of 2023 and after investigation and filing of the final report, the same was taken cognizance in PRC.No.59 of 2024 on the file of the Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District, for the offences under Sections 294(b), 307, 506(2), 324, 326 IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss)Act, 1992 against the petitioner.



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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 Mr.M.Kumarasamy, Special Sub Inspector of Police, Mukkudal 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 power to quash the complaint for the offences under Sections 294(b), 307, 506(2), 324, 326 IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss)Act, 1992.

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



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(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.59 of 2024, on the file of the Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.59 of 2024, on the file of the Judicial Magistrate Court, Cheranmahadevi, Tirunelveli 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,
Cheranmahadevi,
Tirunelveli District.
 - 2.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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