



Crl.O.P.(MD)No.16586 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16586 of 2024

and

Crl.M.P.(MD)Nos.10408 & 10412 of 2024

1.Ramalingam

2.Balu

3.Pandiyarajan

... Petitioners

Vs.

1.The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.103 of 2017)

2.Krishnnamani

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.1500 of 2023 in Crime No.103 of 2017 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same.

For Petitioners : Mr.S.Muniyandi



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

For R2 : Mr.M.Deepajothi

ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the proceedings in C.C.No.1500 of 2023 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same as against the petitioner.

2.The case of the prosecution is that due to election dispute, the accused persons abused the second respondent in filthy language, attacked him with deadly weapon and also threatened with dire consequences and hence, the second respondent 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.103 of 2017 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.1500 of 2023 on the file of the Judicial



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Magistrate No.II, Madurai, for the offences under Sections 294(b), 323, 506(2), 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 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 the Special Sub Inspector of Police III, Silaiman Police Station, Madurai District 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), 323, 506(2), 326 IPC.



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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 final report in C.C.No.1500 of 2023 pending before the Judicial Magistrate No.II, Madurai, 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.1500 of 2023, on the file of the Judicial Magistrate No.II, Madurai, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

19.10.2024

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

- 1.The Judicial Magistrate No.II, Madurai
- 2.The Inspector of Police,
Silaiman Police Station,
Madurai 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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