



CrI.O.P.(MD)No.16607 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.16607 of 2024

1.Marthandan

2.Palanikumar

3.Senthil @ Senthilkumar

4.Karpagam

5.Gnanamani

6.Jeyasankar

... Petitioners

Vs.

1.The Inspector of Police,
Town South Police Station,
Dindigul.
(In Crime No.175 of 2017)

2.Vinothkumar

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records of charge sheet in PRC.No.43 of 2019 on the file of the Judicial Magistrate No.III, Dindigul and quash the same.

For Petitioners : Mr.C.Mayilvahana Rajendran
For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in PRC.No.43 of 2019 on the file of the learned Judicial Magistrate No.III, Dindigul and quash the same as against the petitioner.

2.The case of the prosecution is that the second respondent and first accused's daughter was loved each other and the same was opposed by the petitioners and that the daughter of the first accused eloped with the second respondent and they got married on 11.04.2016, due to which, the accused persons entered into the second respondent's house, abused him, attacked him and also threatened him with dire consequences and hence, the second respondent has lodged a complaint.



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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.175 of 2017 and after investigation and filing of the final report, the same was taken cognizance in PRC.No.43 of 2019 on the file of the Judicial Magistrate No.III, Dindigul, for the offences under Sections 147, 148, 452, 294(b), 323, 307 and 506(ii) IPC against eight persons including the petitioners herein. He would further submitted that the first accused in this case died on 12.05.2024 and he has also produced death certificate.

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 Special Sub Inspector of Police, Town South Police Station, Dindigul as



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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 family 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 325 and 506(1) 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.43 of 2019, on the file of the Judicial Magistrate No.III, Dindigul, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.43 of 2019, on the file of the Judicial Magistrate No.III, Dindigul, is quashed and the joint compromise memo shall form part and parcel of this order.

21.10.2024

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

1. The Judicial Magistrate No.III,
Dindigul.
2. The Inspector of Police,
Town South Police Station,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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