



Crl.O.P.(MD)No.16655 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16655 of 2024

Karthikeyan

... Petitioner

Vs.

1.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(Crime No.152 of 2024)

2.Ranjith Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the proceedings in C.C.No.173 of 2024 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District.

For Petitioners : Mr.D.Sureshkumar

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

For R2 : Mr.P.Balasubramanian



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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 C.C.No.173 of 2024 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District and quash the same as against the petitioner.

2.The case of the prosecution is that the petitioner had illegal relationship with the defacto complainant's mother and thereafter, she refused to attend the phone call of the petitioner, due to which, the petitioner 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.152 of 2024 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.173 of 2024 on the file of the Judicial Magistrate, Karaikudi, Sivagangai District, for the offences under Sections 294(b), 324, 506(2), 354C IPC 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.Regunathan, Special Sub Inspector of Police, Sakkottai Police Station, Sivagangai 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), 324, 506(2), 354C 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 proceedings in C.C.No.173 of 2024, on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District, 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.173 of 2024, on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District, is quashed and the joint compromise memo shall form part and parcel of this order.

22.10.2024

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

- 1.The Judicial Magistrate,
Karaikudi,
Sivagangai District.
- 2.The Inspector of Police,
Sakkottai Police Station,
Sivagangai 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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