



Crl.O.P.(MD)No.17083 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17083 of 2024

1.Satheeshkumar

2.Madasamy

... Petitioners

Vs.

1.The Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanyakumari District.
(In Crime No.19 of 2023)

2.Ramesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records of the impugned Final Report in C.C.No.94 of 2023 on the file of the learned Judicial Magistrate, Boothapandy and quash the same.

For Petitioners : M/s.C.Geetha

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

For R2 : Mr.H.Mahamed Hussain



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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.94 of 2023 on the file of the learned Judicial Magistrate, Boothapandy and quash the same as against the petitioners.

2.The case of the prosecution is that there existed a previous enmity between the parties with regard to the sharing of offerings of the Temple, due to which, the accused persons 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 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.19 of 2023 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.94 of 2023 on the file of the learned Judicial Magistrate, Boothapandy, for the offences under Sections 294(b), 323 and 506(2) IPC against the petitioners.



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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 petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.S.Sundar, Special Sub Inspector of Police, Aralvoimozhi 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), 323 and 506(2) 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



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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 C.C.No.94 of 2023, on the file of the learned Judicial Magistrate, Boothapandy, 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.94 of 2023 , on the file of the learned Judicial Magistrate, Boothapandy, is quashed and the joint compromise memo shall form part and parcel of this order.

28.10.2024

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

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- 1.The Judicial Magistrate, Boothapandy.
- 2.The Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanyakumari 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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