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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19556 of 2024

1. Muthuvel @ Muthuvelpillai
2. Nagarajan
3. Ganesh
4. Karthick
5. Vignesh @ Vicky
6. Paramsivanpillai @ Siva
7. Muralitharan @ Murali ... Petitioners

Vs.

1. The Inspector of Police
   Aralvaimozhi Police Station,
   Kanniyakumari District.

2. Manthiram ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for records and quash the charge sheets in Crime No.549 of 2021 in SC.No.39 of 2024, on the file of II Additional Sessions Court, Nagercoil.

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For Petitioners : Mr.M.Sankar

For R-1 : Mr.K.Sanjai Gandhi
For R-2 : M/s.S.Vinudha

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in Crime No.549 of 2021 in SC.No.39 of 2024, on the file of II Additional Sessions Court, Nagercoil, and quash the same.

2. The case of the prosecution is that due to wordy quarrel between the petitioners and the defacto complainant, the petitioners are said to have abused the defacto complainant in filthy language and attempted to attack him with an iron rod and also threatened him.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.549 of 2021, after investigation, final report filed, the same taken cognizance in SC.No.39 of 2024, on the file of II Additional Sessions Court, Nagercoil, for the offences under

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Sections 147, 148, 149, 294(b), 307, 352, 427 and 452 of 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, for the reason, sudden wordy quarrel lead to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise dated 15.11.2024 filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.V.Gopal HC 2916, Aralvaimozhi Police Station, Kanniyakumari District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

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6. In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 147, 148, 149, 294(b), 307, 352, 427 and 452 of I.P.C.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012) 10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat)*** 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 SC.No.39 of 2024 as against the petitioners pending before the II Additional Sessions Court, Nagercoil, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the

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proceedings in SC.No.39 of 2024, on the file of the II Additional Sessions Court, Nagercoil, is quashed as against the petitioners and the joint compromise memo dated 15.11.2024 shall form part and parcel of this order.

22.11.2024

NCC : Yes / No
Index : Yes / No
jbr

To

1.The Inspector of Police
Aralvaimozhi Police Station,
Kanniyakumari District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.NIRMAL KUMAR, J.

jbr

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