



Crl.O.P.(MD)No.18208 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18208 of 2024

1.M.Karuppusamy
2.M.Jagadeesh
3.K.Thirumurugan
4.M.Venkatesh Babu @ Venkateshbabhu ... Petitioners

Vs.

1.The Sub Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Crime No.235 of 2021

2.M.Saravanaviknesh ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in STC.No.874 of 2022 pending on the file of the Judicial Magistrate Court No.II, Sivagangai, in Crime No.235 of 2021 dated 06.07.2021 on the file of the first respondent for the alleged offence under Section 294(b), 323 dn 506(i) of IPC and quash the same as illegal.

For Petitioners : Mr.S.Vijayakumar



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For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 : Mr.P.Vetrivel

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 STC.No.874 of 2022, on the file of the Judicial Magistrate Court No.II, Sivagangai, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that due to civil dispute, the petitioners abused and assaulted the defacto complainant with wooden log and gave life threat. Hence, the complaint.

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.235 of 2021, after investigation, final report filed, the same taken cognizance in STC.No.874 of 2022 , on the file of the Judicial Magistrate Court No.II, Sivagangai, for the offences under Sections 294(b), 323 and 506(1) I.P.C. 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. 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 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.Soundararajan, SI of Police, Sivagangai Taluk Police Station, Sivagangai 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.

6. In the instant case, where the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 294(b), 323 and 506(1) I.P.C.



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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 STC.No.874 of 2022 pending on the file of the Judicial Magistrate Court No.II, Sivagangai, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in STC.No.874 of 2022 pending on the file of the Judicial Magistrate Court No.II, Sivagangai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
Rmk

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- 1.The Judicial Magistrate Court No.II, Sivagangai.
- 2.The Sub Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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