



Crl.O.P.(MD)No.18568 of 2024

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.18568 of 2024

Mariselvam

... Petitioner

Vs.

1. The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(In Crime No.103 of 2024)

2. Dhanasekar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.348 of 2024, on the file of Judicial Magistrate, Thirumangalam, Madurai District and quash the same.

For Petitioner : Mr.S.Sivaprakash

For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)

For R-2 : Mr.B.Viswanathan



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No.348 of 2024, on the file of Judicial Magistrate, Thirumangalam, Madurai District, and quash the same.

2. The case of the prosecution is that due to wordy quarrel between the petitioner and the defacto complainant, the petitioner is said to have abused the defacto complainant in filthy language and assaulted him and threatened him with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.103 of 2024, after investigation, final report filed, the same taken cognizance in C.C.No.348 of 2024, on the file of Judicial Magistrate Court, Thirumangalam, Madurai District, for the offences under Sections 294(b), 323, 506(i) of IPC altered into 294(b), 325, 506(i) of IPC, against the petitioner.



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4. It is seen that in the accident register, it has been recorded as thought the second respondent was assaulted by four persons by using asbestos sheets which has been treated by Dr.Gayathri and in the wound certificate it is recorded as grievous in nature. But as per surgeon opinion, no statement is recorded.

5. 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.

6. A Joint Memo of Compromise filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Mr.L.Karuppiah, SSI, Kallikudi Police Station, Madurai District, as well as by the learned counsels appearing for the parties. This



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Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

7. 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 294(b), 323, 506(i) of IPC altered into 294(b), 325, 506(i) of IPC.

8. 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.

9. 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.348 of 2024 as against the petitioners pending before the Judicial Magistrate, Thirumangalam, Madurai District, even



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though, the offences involved are not compoundable in nature.

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10. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.348 of 2024, on the file of the Judicial Magistrate, Thirumangalam, Madurai District,, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

22.11.2024

NCC : Yes / No
Index : Yes / No
jbr

To

1. The Inspector of Police,
Kallikudi Police Station,
Madurai 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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