



Crl.O.P.(MD)No.20501 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20501 of 2024

1. Jeevagan
2. Vidhya
3. Muthuvijayaram
4. Baskar

... Petitioners

Vs

1. The State of Tamil Nadu,
The Inspector of Police,
Silaiman Police Station,
Madurai District.
Crime No.367/2021.

2. M.Sekar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.546 of 2022, on the file of the Judicial Magistrate No.II, Madurai, and quash the same as against the petitioners/A1-A4.



Crl.O.P.(MD)No.20501 of 2024

For Petitioners : Mr.R.Venkateswaran
For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 : Mr.A.Arputharaj

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 C.C.No.546 of 2022, on the file of the learned Judicial Magistrate No.II, Madurai, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that due to property dispute, on 18.08.2020, the accused persons assaulted the defacto complainant. Based on the complaint given by the defacto complaint/R2, the said case has been registered against the accused persons.

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.367 of 2021, after



Crl.O.P.(MD)No.20501 of 2024

investigation, final report filed, the same taken cognizance in C.C.No. 546 of 2022, on the file of the learned Judicial Magistrate No.II, Madurai, for the offences under Sections 294(b), 323 and 506(i) I.P.C. against the petitioners. He further submitted that the doctor had opined that the injury was simple in nature.

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 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.S.Boomi, Silaiman Police Station, Madurai District, as well as by the learned counsels appearing for the parties. This



Crl.O.P.(MD)No.20501 of 2024

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, the occurrence took place out of property dispute and 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 and 506(i) 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 C.C.No.546 of 2022 as against the petitioners pending before the learned Judicial Magistrate No.II, Madurai, even though, the offences involved are not compoundable in



Crl.O.P.(MD)No.20501 of 2024

nature.

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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.546 of 2022, on the file of the learned Judicial Magistrate No.II, Madurai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No

25.11.2024

Index : Yes / No

PNM

To

1.The Judicial Magistrate No.II, Madurai

The Inspector of Police,
Silaiman Police Station,
Madurai District.

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



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Crl.O.P.(MD)No.20501 of 2024

M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.20501 of 2024

25.11.2024