



Crl.O.P.(MD)Nos.18944 and 18938 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.18944 and 18938 of 2024

Crl.O.P.(MD).No.18944 of 2024

M.Monna Mohammed

... Petitioner/Sole Accused

Vs.

1.State of Tamil Nadu,
Rep. by The Sub-Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.250 of 2021)

... 1st Respondent/Complainant

2.A.Nafees Khan

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in S.T.C.No.2539 of 2022 on the file of the learned Judicial Magistrate Court No.II, Nagercoil and quash the same.

For Petitioner

: Ms.S.Meena

For R1

: Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R2

: Mr.A.Mohamed Haneef



Crl.O.P.(MD)Nos.18944 and 18938 of 2024

Crl.O.P(MD).No.18938 of 2024

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1.A.Nafees Khan
2.S.Abdul Harim
3.S.Pakthiharim @ Badhusha

... Petitioners/A1 to A3

Vs.

1.State of Tamil Nadu,
Rep. by The Sub-Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.249 of 2021)

... 1st Respondent/Complainant

2.M.Monna Mohammed

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in S.T.C.No.627 of 2024(wrongly mentioned as STC.No.627 of 2023) on the file of the learned Judicial Magistrate Court No.II, Nagercoil and quash the same.

For Petitioners	: Mr.A.Mohamed Haneef
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Ms.S.Meena

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in S.T.C.Nos.2539 of 2022 and 627 of 2024 on the file of the learned Judicial Magistrate Court No.II, Nagercoil.



Crl.O.P.(MD)Nos.18944 and 18938 of 2024

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2. The case of the prosecution is that due to wordy quarrel, the parties have attacked each other and that both parties have given complaint, based on which, case was registered in Crime No.249 of 2021 and Crime No.250 of 2021.

3. The learned counsel appearing for the petitioners would submit that this is a case and case in counter. Based on the complaint, Crime No.249 of 2021 and Crime No.250 of 2021 have been registered, after investigation, final report filed, the same taken cognizance in S.T.C.No. 627 of 2024 (Wrongly mentioned as STC.No.627 of 2023), on the file of the learned Judicial Magistrate No.II, Nagercoil, for the offences under Sections 341, 294(b), 323 and 506(i) of IPC and STC.No.2539 of 2022 on the file of the learned Judicial Magistrate No.II, Nagercoil, for the offence under Section 294(b) of IPC.

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.



Crl.O.P.(MD)Nos.18944 and 18938 of 2024

WEB COPY

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.N.Dhanapaul, Special Sub-Inspector of Police, Kottar Police Sation, Kanyakumari 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, 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 341, 294(b), 323 and 506(i) of IPC.

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.



Crl.O.P.(MD)Nos.18944 and 18938 of 2024

WEB COPY

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 S.T.C.Nos.2539 of 2022 and 627 of 2024 as against the petitioners pending before the learned Judicial Magistrate Court No.II, Nagercoil, even though, the offences involved are not compoundable in nature.

9. Accordingly, these Criminal Original Petitions are allowed and the proceedings in S.T.C.Nos.2539 of 2022 and 627 of 2024 on the file of the learned Judicial Magistrate Court No.II, Nagercoil, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No

13.11.2024

Index : Yes / No

Rmk

To

1.The Judicial Magistrate Court No.II, Nagercoil.

2.The Sub-Inspector of Police,
Kottar Police Station,
Kanyakumari District.

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



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Crl.O.P.(MD)Nos.18944 and 18938 of 2024

M.NIRMAL KUMAR, J.

Rmk

Order made in
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