



*Crl.O.P.(MD)No.19614 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

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1.S.Manickam

R.Kumar (died)

2.R.Karuppasamy

3.R.Kaliraja @ Kaleeswaran

4.M.Manikandan

5.N.Vignesh

6.M.Muthupandi

7.M.Sundar @ Meenakshi Sundaram

8.R.Kaleeswaran

... Petitioners

Vs.

1.The State of Tamil Nadu

The Inspector of Police,  
Thiruvengampathur Police Station,  
Sivagangai District.  
(Crime No.345 of 2017)

2.S.Prithivirajan @ Subramaniyan

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to quash the charge sheet in C.C.109 of 2017 pending on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District in Crime No.19 of 2016 dated 17.01.2016 on the file of the first respondent under Sections 147, 148, 294(b), 448, 427, 323, 324, 506(ii) r/w 149 IPC and quash the same as illegal.



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For Petitioners : Mr.R.Vijayalakshmi  
For R1 : Mr.K.Sanjai Gandhi  
Government Advocate (Crl. Side)  
For R2 : Mr.V.Arivukarasan

### **ORDER**

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.109 of 2017 on the file of the learned Judicial Magistrate, Thiruchendur.

2. The case of the prosecution is that during pongal festival, there arose a wordy quarrel between the parties, due to some previous enmity with regard to the water dispute in the farm, thereby the petitioners attacked the defacto complainant and threatened them with deadly weapons.

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.345 of 2017, after investigation, final report was filed and the same taken cognizance in C.C.109 of 2017, on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District for the offences under Sections 147, 148, 294(b), 448, 427, 323, 324, 506(ii) r/w 149 IPC 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 is filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court and identified by Mr.J.George Jacob, SI of Police, Thiruvegampathur Police Station, Sivagangai District, as well as by the learned counsel 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 without any compulsion.

6. In the instant case, the petitioners and the defacto complainant are close relatives and there is a family dispute between the parties. Now the parties have compromised the matter. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.



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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 C.C.109 of 2017 as against the petitioners pending before the learned Judicial Magistrate, Devakottai, Sivagangai District even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.109 of 2017, on the file of the learned Judicial Magistrate, Devakottai, Sivagangai District 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  
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To

- 1.The Judicial Magistrate, Devakottai,  
Sivagangai District.
- 2.The Inspector of Police,  
Thiruvengampathur Police Station,  
Sivagangai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.NIRMAL KUMAR, J.**

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