



Crl.O.P.(MD)Nos.20163 and 20168 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.20163 and 20168 of 2024

1.Thirumurugan
2.Thoondikaruppu
3.Jegatheeswaran @ Muthupandi
4.Villayutham @ Villautham
5.Manokar @ Manoharan
6.Prasath
7.Ranjith
8.Arulselvam ... Petitioners in Crl.O.P.(MD)No.20163/2024

1.Karuppaiah @ Karuppaiya
2.Giritharan @ Kiritharan
3.Raju @ Rasu
4.Kesavan
5.Manimuthu @ Manimuthu Sada Manikkam
6.Mathiyazhakan @ Mathiyalagan
7.Muthuraman @ Muthuramu
8.Singarasu @ Singaraj
9.Vasanth Periyasamy @ Vasanthperiyasami
10.Sathiyamoorthy @ Sathiyamoorthi

... Petitioners in Crl.O.P.(MD)No.20168/2024

Vs.

1.The State of Tamil Nadu,
Rep by the Inspector of Police,
Kottaiappattinam Police Station,
Pudukottai,
Crime No.324 of 2020.



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2.Karuppaiah @ Karuppaiya
3.Giritharan @ Kiritharan
4.Rajkumar

... Respondents in Crl.O.P.(MD)No.
20163/2024

1.The State of Tamil Nadu,
Rep by the Inspector of Police,
Kottaiappattinam Police Station,
Pudukottai,
Crime No.325 of 2020.

2.Thirumurugan
3.Dhoondi Karuppu @ Thoondikaruppu
4.Villayutham @ Villautham

... Respondents in Crl.O.P.(MD)No.
20168/2024

PRAYER: Criminal Original Petitions filed under Section 528 of B.N.S.S., to call for the records relating to the charge sheet in S.C.No. 125 of 2022 on the file of the Sub Court, Aranthangi and S.C.No. and 112 of 2024 on the file of the Additional District Court for EC and NDPS Cases and quash the same as illegal.

In Crl.O.P.(MD)No.20163 of 2024:

For Petitioners	: Mr.T.Udhaya Jeeva
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl.Side)
For R2 to R4	: Mr.M.Ramanujam for M/s.Gandhi Associates

In Crl.O.P.(MD)No.20168 of 2024:

For Petitioners	: Mr.M.R.Ramanugam for M/s.Gandhi Associates
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl.Side)
For R2 to R4	: Mr.T.Udhaya Jeeva



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COMMON ORDER

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These Criminal Original Petition have been filed to call for the records in S.C.No.125 of 2022 on the file of the Sub Court, Aranthangi and S.C.No. and 112 of 2024 on the file of the Additional District Court for EC and NDPS Cases, Pudukottai and quash the same as illegal, improper and abuse of process of law.

2.The case of the prosecution is that due to previous enmity the defacto complainant in both the cases have lodged a complaint stating that the accused persons in both the cases have abused in filthy language, threatened with dire consequences, assaulted the defacto complainant and caused injuries to them.

3. The cases are under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. The petitioners and the defacto complainant in both the cases are present before this Court. Now, both realized their mistakes, reconciled and the defacto complainant in both the cases agree to withdraw the complaints, not willing to pursue the case.



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4. A Joint Memo of Compromise filed before this Court signed by the petitioners and the defacto complainant and their respective counsels.

The petitioners and the defacto complainant in both the cases are present before this Court. They were identified by Mr.S.Saravanan, Sub Inspector of Police, Kottapattinam Police Station, Pudukottai 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.

5. In the instant case, the dispute is not serious in nature. 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.

6. 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.



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7. 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.C.No.125 of 2022 on the file of the Sub Court, Aranthangi and S.C.No. and 112 of 2024 on the file of the Additional District Court for EC and NDPS Cases, Pudukottai as against the petitioners in both the cases even though, the offences involved are not compoundable in nature.

8. Accordingly, these Criminal Original Petitions are allowed and the proceedings in S.C.No.125 of 2022 on the file of the Sub Court, Aranthangi and S.C.No. and 112 of 2024 on the file of the Additional District Court for EC and NDPS Cases, Pudukottai are quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

20.11.2024

NCC : Yes / No
Index : Yes / No
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To

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- 1.The Sub Court, Aranthangi
- 2.The Additional District Court for EC and NDPS Cases,
Pudukkottai.
- 3.The Inspector of Police,
Kottaiappattinam Police Station,
Pudukkottai,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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