



Crl.O.P.(MD)No.20118 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20118 of 2024

1.Meenatchi @ Meenakshi
2.Murugan

... Petitioners

Vs.

1.State Rep. by,
The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
(Cr.No.31 of 2020)

2.Radhakrishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.204 of 2023, on the file of the Judicial Magistrate Court, Thiruchuli, Virudhunagar District and quash the same in respect of this petitioner / accused.

For Petitioner : Mr.R.Gowrishankar

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl., Side)

For R2 : Mr.K.Radhakrishnan



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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.204 of 2023, on the file of the Judicial Magistrate Court, Thiruchuli, Virudhunagar District and quash the same.

2.The case of the prosecution is that due to civil dispute between the petitioners and the defacto complainant, they are keeping vengeance each other. While being so, on 09.03.2020 at about 12.30 hrs., when the defacto complainant went away from the house, the petitioners have mixed poison with cereals and feed to the chickens belonged to the defacto complainant, thereby, 20 chickens and 20 chicken chicks died, whereby, caused loss to the tune of Rs. 50,000/- to the defacto complainant. Hence, the case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the 2nd respondent lodged a complaint before the 1st respondent and F.I.R., was registered in Crime No.31 of 2020. After investigation, final report has been filed and the same is taken cognizance in C.C.No.204 of 2023 on the file of the



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Judicial Magistrate Court, Thiruchuli, Virudhunagar District for the offence under Section 429 IPC against the petitioners.

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.

5.A Joint Memo of Compromise filed before this Court signed by the petitioners and the 2nd respondent and their respective counsels. The petitioners and the 2nd respondent are present before this Court and they are identified by Mr.Rajendran, Special Sub Inspector of Police, A.Mukkulam Police Station, Virudhunagar District as well as by the learned counsels appearing for the parties. This Court enquired both the parties and 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 when the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Section 429 IPC.



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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.No.204 of 2023 as against the petitioner pending before the Judicial Magistrate Court, Thiruchuli, Virudhunagar 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.No.204 of 2023, on the file of the Judicial Magistrate Court, Thiruchuli, Virudhunagar District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

29.11.2024

NCC : Yes / No
Index : Yes / No

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- To
- 1.The Judicial Magistrate,
Thiruchuli, Virudhunagar District.
 - 2.The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar 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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