



Crl.O.P.(MD)No.20599 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20599 of 2024

Sivabharath @ Bharath

... Petitioner

Vs.

1.State of Tamil Nadu rep by,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
(In Crime No.120 of 2016)

Raj (died)

2.Esakkiammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in P.R.C.No.30 of 2023 on the file the learned Judicial Magistrate, Radhapuram and quash the same.

For Petitioner	: Mr.C.Ezhilarasu
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R2	: Mr.P.Kalimuthu



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parties reconciled and the second respondent agrees to withdraw the complaint.

5. A Joint Memo of Compromise filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the wife of the defacto complainant appeared in person before this Court. This Court has enquired both the parties and satisfied that the parties have come to an amicable settlement. The petitioner and the second respondent present before this Court, identified by Mr.J.Ausmin Moses, Koodankulam Police Station, Tirunelveli District, as well as by the learned counsels appearing for the parties

6. In the instant case, there is an enmity between the petitioner and the defacto complainant. During trial, the defacto complainant died and the petitioner has compromised the matter with the wife of the defacto complainant. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.

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)



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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 P.R.C.No.30 of 2023 as against the petitioner pending before the Judicial Magistrate, Radhapuram, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.30 of 2023, on the file of the Judicial Magistrate, Radhapuram, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
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To

1.The Judicial Magistrate, Radhapuram.



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- 2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli 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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