



Crl.O.P.(MD)No.20989 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1. Arul @ A.Arul Emercian Radaiph
2. Raja @Antony Raja Gondrad
3. Quintus
4. Joseph
5. Titus @ Raja Titus
6. S.Soosai Pavul
- 7.Hermas @ Vijagula Kitheriyan Hermas
8. Pattam Mariya Innasi
9. Dinesh @ Yuvan Arockia Dinesh
10. Lawarance
11. Antony Michael @ Siluvai Micheal Victor ... Petitioners

Vs.

- 1.The Inspector of Police,
Koodankulam Police Station
Koodankulam
Tirunelveli District
2. Rothigas @ Siluvai S.R. Rothigas
3. Noble Raj@ Antony Johnson Noble Raj
4. Ranjith @ Irudhaya Swami Ranjith
5. Arulappan ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned charge sheet in PRC No.61 of 2023 on the file of the learned Judicial Magistrate,



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Radhapuram, Tirunelveli District and quash the same as illegal in so far as the petitioners are concerned.

For Petitioners : Mr.G.Aravinthan
for M/s.Aran Legal Consultancy

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R2 to R5 : Mr.K.Sivabalan

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in PRC No.61 of 2023 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District.

2. The case of the prosecution is that due to previous enmity on 23.10.2009 when the defacto complainant went to see the Kuthankuzhi Kitheriammal Church Festival at about 08.00 pm., the petitioners herein said to have assaulted the defacto complainant with deadly weapons with an intention to murder him. The first and second accused said to have assaulted the defacto complainant with chopper knife and sword but narrowly the defacto complainant escaped hence the cut die not fall on him. When the defacto complainant tried to escape from the scene of



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occurrence the accused persons followed him , which was questioned by the respondents 3 to 5 for which the second accused said to cut the left hand of the third respondent and caused injuries. The first accused said to have cut the left wrist of the fifth respondent, 11th accused said to have cut the left hand of the fourth respondent and thereafter all the accused made a life threat and escaped from the scene of occurrence.

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.267 of 2009, after investigation, final report filed, the same on file in PRC No.61 of 2023 on the file of the learned Judicial Magistrate, Radhapuram for the offences under Sections 147,148,324,307,506(ii) of IPC r/w. 149 of IPC against the petitioners. He further submitted that the doctor had opined that the injury was simple in nature.

4. The case is under committal proceedings. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves, for the reason, sudden wordy quarrel lead to



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exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. 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 filed before this Court signed by the petitioners and the respondents 2 to 5 and their respective counsels. The petitioners and the respondents 2 to 5 present before this Court, identified by Mr.B. Nainar, Sub Inspector of Police, Koodankulam Police Station, 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 parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 147,148,324,307,506(ii) of IPC r/w. 149 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)



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10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*

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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 PRC No.61 of 2023 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC No.61 of 2023 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, is quashed not only against the petitioners but against all the other accused, who are also similarly placed. and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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To
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- 1.The Judicial Magistrate, Radhapuram, Tirunelveli District
- 2.The Inspector of Police,
Koodankulam Police Station
Koodankulam
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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Order made in
Crl.O.P.(MD)No.20989 of 2024

Dated: 10.12.2024