



Crl.O.P.(MD)No.20899 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20899 of 2024

Varun Richart @ Varun Richard

... Petitioner

Vs.

1.The State of Tamil Nadu rep by
The Inspector of Police,
Thisyanvilai Police Station,
Tirunelveli District,
(Crime No.310 of 2020)

2.Jebahar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in C.C.No.214 of 2022 on the file of the Judicial Magistrate Court, Radhapuram and quash the same against the petitioner.

For Petitioner	: Mr.R.Ponkarthikeyan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl. Side)
For R2	: Mr.P.Suresh



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.214 of 2022 on the file of the learned Judicial Magistrate Court, Radhapuram.

2. The case of the prosecution is that the defacto complainant and brother of the petitioner were business partners. Due to some dispute in their partnership, the petitioner herein abused the defacto complainant with dire consequences over phone.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.310 of 2020 and after investigation, final report was filed and the same was taken cognizance in C.C.No.214 of 2022, on the file of the learned Judicial Magistrate, Theni for the offences under Sections 294(b) and and 506(ii) IPC against the petitioner.

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



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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 petitioner and the second respondent and their respective counsels. The petitioner and the second respondent are present before this Court and identified by Mr.Thisayanvillai, SSI of Police, Thisayanvilai Police Police Station, Theni, 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 petitioner is the sole accused. 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.

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.



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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.214 of 2022 as against the petitioner pending before the learned 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 C.C.No.214 of 2022, on the file of the learned Judicial Magistrate, Radhapuram is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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06.12.2024

To

1.The Judicial Magistrate, Radhapuram.

2.The Inspector of Police,
Thisyanvilai 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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