



WEB COPY

CrI.O.P.(MD)No.20979 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.20979 of 2024

1.Jaison
2.Bensam
3.Redlin Winny
4.Ajith
5.Rash @ Ross John
6.Inigo @ Justin Inigo
7.Sivadhas
8.Sathu
9.Manikandan

... Petitioners

-Vs-

1.The State of Tamil Nadu,
Rep.by The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.887 of 2015.

2.L.Sahaya Naveen

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya Nagarik Shuraksha Sanhita, to call for the records in P.R.C.No.28 of 2020 on the file of the learned Judicial Magistrate, Eraniel 1, Kanyakumari District and quash the same as illegal and devoid of merits in the petitioners concern.

For Petitioners	: Mr.P.Venkatesan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (CrI.Side)
For R2	: Mr.S.Ramakrishnan



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ORDER

The Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.28 of 2020 on the file of the learned Judicial Magistrate, Eraniel-I, Kanyakumari District.

2. The case of the prosecution is that during christmas festival, the petitioners were singing and dancing in front of the Neyyoor CSI Church. When second respondent requested them to give way, there arose a dispute and the petitioners have attacked the defacto complainant and caused injuries and abused him in filthy language.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged complaint before the first respondent in Crime No.887 of 2015, and after investigation, final report was filed and the same was taken cognizance in P.R.C.No.28 of 2020, on the file of the learned Judicial Magistrate, Eraniel 1, Kanyakumari District for the offences under Sections 147, 148, 294(b), 341, 323, 387 and 506(ii) IPC and Section 3(1) of TNPPDL Act 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. Now, both realized their mistakes, reconciled and second respondent agrees to withdraw the complaint.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court and identified by Mr.M.Paulraj, SSI of Police, Eraniel Police Station, Kanyakumari 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.

6. In the instant case, there are 21 accused persons. In respect of some of the accused persons, the charge sheet has been quashed by this Court in Crl.O.P.(MD)No.7117 of 2022. Now the parties in this petition 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.

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.28 of 2020 pending before the learned Judicial Magistrate, Eraniel 1, Kanyakumari District even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the entire proceedings in P.R.C.No.28 of 2020, on the file of the learned Judicial Magistrate, Eraniel 1, Kanyakumari District is quashed and the joint compromise memo shall form part and parcel of this order.

10.12.2024

Index : Yes/No

Internet : Yes/No

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To

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- 1.The Magistrate, Eraniel I, Kaniyakumari.
- 2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari 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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