



Crl.O.P.(MD)No.20872 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20872 of 2024

1.Karuppusamy
2.A.Subbaiah
3.K.Ganesh Kumar
4.K.P.Swaminathan

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep. by,
The Sub-Inspector of Police,
Palayanur Police Station,
Sivagangai District.
(Crime No.4 of 2023)

2.R.Lakshmanan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the B.N.S.S., to call for the records pursuant to the proceedings in C.C.No. 123 of 2024, on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruppuvanam, Sivagangai District and quash the same.

For Petitioners : Mr.N.Dilip Kumar

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



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For R2

: Mr.C.Murugavel

ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the proceedings in C.C.No.123 of 2024, on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruppuvanam, Sivagangai District.

2. The case of the prosecution is that the petitioners had collected funds for the maintenance of the Thiruvettai Ayyanar Temple in the Village. During this process, some enmity developed between the de-facto complainant and the petitioners. On 03.02.2023, the petitioners went to the agricultural lands where the de-facto complainant was tending to his goats. In an act of aggression, they attacked him with a sharp weapon, causing injury. They then fled the scene of occurrence after threatening to kill both the de-facto complainant and his brother. Hence, the de-facto complainant lodged a complaint against the petitioners. Based on the complaint, the first respondent Police registered an F.I.R. in Crime No.4 of 2023 under Sections 294(b), 323, 324 and 506(ii) of the I.P.C. After completing the investigation, the Police filed a final report, which was taken cognizance of in C.C.No.123 of 2024 by



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the learned District Munsif-cum-Judicial Magistrate, Thiruppuvanam,
Sivagangai District.

3. When the matter is taken up for hearing today, the case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.A.Rajaguru, Special Sub-Inspector of Police, Palayanur Police Station, Sivagangai District, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, the parties have now compromised the issue. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 323, 324 and 506(ii) of the I.P.C.



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6. 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.

7. 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.123 of 2024, as against the petitioners pending before the District Munsif-cum-Judicial Magistrate Court, Thiruppuvanam, Sivagangai District.

8. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.123 of 2024, on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruppuvanam, Sivagangai District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

18.12.2024

NCC : Yes / No
Index : Yes / No
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- 1.The District Munsif-cum-Judicial Magistrate,
Thiruppuvanam, Sivagangai District.
- 2.The Sub-Inspector of Police,
Palayanur Police Station,
Sivagangai 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
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