



Crl.O.P.(MD)Nos.21627 and 21629 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.21627 and 21629 of 2024

Arulsiva ... Petitioner in Crl.O.P.(MD)No.21627 /2024

1.Seelan @ Gnana Seelan
2.Timitilal
3.Senthil Murugan
4.Balakrishnan
5.Prakash

...Petitioners in Crl.O.P.(MD)No.21629 /2024

Vs.

1.State of Tamil Nadu Rep.by
The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
(Crime No.31 of 2020)

2.Gnana Seelan ... Respondents in Crl.O.P.(MD)No.
21627 /2024

1.State of Tamil Nadu Rep.by
The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
(Crime No.31 of 2020)

2.Arul Siva ... Respondents in Crl.O.P.(MD)No.
21627 /2024



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COMMON PRAYER : Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, to quash the charge sheet in C.C.Nos.68 and 67 of 2022 pending on the file of the learned Judicial Magistrate, Theni and quash the same.

In Crl.O.P.(MD)No.21627 of 2024:

For Petitioner	: Mr.Sivabalan for M/s.Aran Legal Consultancy
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R2	: Mr.A.Sarankumar

In Crl.O.P.(MD)No.21629 of 2024:

For Petitioner	: Mr.A.Sarankumar
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R2	: Mr.Sivabalan for M/s.Aran Legal Consultancy

COMMON ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.Nos.68 and 67 of 2022 on the file of the learned Judicial Magistrate III, Nagaerkoil @ Kanniyakumari.



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2. The case of the prosecution is that there was a quarrel and attack among the petitioners and the defacto complainant in both petitions.

Hence, the complaint and the counter complaint have been registered.

3. The learned counsel appearing for the petitioner would submit that the second respondent in both petitions lodged complaints before the first respondent in Crime No.31 and 32 of 2020, and after investigation, final reports were filed and the same were taken cognizance in C.C.Nos. 68 and 67 of 2022, on the file of the learned Judicial Magistrate III, Nagaerkoil @ Kanniyakumari for the offences under Sections 354 A IPC and Sections 67 and 67 A of Information Technology (Amendment) Act, 2008 against the petitioners in both the petitions.

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 in both petitions agree to withdraw the complaint.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioners in both petitions and the second respondent and their respective counsels. The petitioners and the second respondent in both



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the petitions are present before this Court and identified by Mr.R.Kalyana Sundaram, SSI of Police, Anjugramam 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, it is a case and case in counter. In both the cases, 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.

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.Nos.68 and 67 of 2022 as against the petitioners



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in both the petitions pending before the learned Judicial Magistrate III, Nagaerkoil @ Kanniyakumari even though, the offences involved are not compoundable in nature.

9. Accordingly, these Criminal Original Petitions are allowed and the proceedings in C.C.Nos.68 and 67 of 2022, on the file of the learned Judicial Magistrate III, Nagaerkoil @ Kanniyakumari is quashed as against the petitioners in both the petitions and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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09.12.2024

To

- 1.The Judicial Magistrate III,
Nagaerkoil @ Kanniyakumari
- 2.The Inspector of Police,
Anjugramam 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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