



WEB COPY

CrI.O.P.(MD)No.21472 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.21472 of 2024

and

CrI.M.P.(MD)No.13308 of 2024

1.Jegatheesan

2.Vanaja

... Petitioners

-Vs-

1.The State of Tamil Nadu rep by
The Inspector of Police,
Theni Police Station, Theni District.
(Crime No.878 of 2021)

2.Balamurugan

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records relating the impugned
charge sheet in C.C.No.334 of 2022 on the file of the Judicial Magistrate
Court, Theni and quash the same.

For Petitioner	: Mr.R.Paranjothi
For R1	: Mr.A.Thiruvadi Kumar
	Additional Public Prosecutor
For R2	: Mr.T.K.Siddharthan



ORDER

WEB COPY

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.334 of 2022 on the file of the Judicial Magistrate Court, Theni,

2. The case of the prosecution is that the petitioners are said to have abused and assaulted the defacto complainant and his client, when the client of the defacto complainant was about to attend the enquiry before the respondent police.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.878 of 2021 for the offences under Sections 294(b), 323, 341 and 506(i) of IPC. Thereafter, charge sheet has been filed in C.C.No.334 of 2022 on the file of the learned Judicial Magistrate, Theni.

4. The case is still under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



WEB COPY

5. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.M.Muneeswaran, SSI of Police, Theni Police Station, Theni District as well as by the learned counsel 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.

6. In the instant case, the parties have compromised the matter amicably. The High Court has power to quash the complaint even if the offences are non compoundable in nature, 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.No.334 of 2022, pending before the learned Judicial Magistrate Court, Theni, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.334 of 2022, on the file of the learned Judicial Magistrate Court, Theni, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

11.12.2024

Index : Yes/No

Internet : Yes/No

ta

To

1.The Inspector of Police,
Theni Police Station,
Theni District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21472 of 2024

M.NIRMAL KUMAR,J.

ta

Crl.O.P(MD)No.21472 of 2024

11.12.2024