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Crl.O.P.(MD)No.21546 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)No.21546 of 2024

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... Petitioner

Vs.

1.State of Tamil Nadu
Rep by The Inspector of pOlice,
Kayathar Police Station,
Thoothukudi District.
(Crime No.191 of 2024)

2.Madasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to PRC No.67 of 2024 in Crime No.191 of 2024 on the file of the learned Judicial Magistrate No.II, Kovilpattai and quash the same as illegal.

For Petitioner	: Mr.M.Prabu
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl. Side)
For R2	: Mr.R.Balakrishnan

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in P.R.C.No.67 of 2024 on the file of the learned Judicial



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Magistrate No.II, Kovilpatti for the offences under Sections 294(b), 307 and 506(ii) IPC.

2. The case of the prosecution is that the petitioner often quarreled with his wife and attacked her. When the second respondent questioned the petitioner about this issue, the petitioner stabbed the defacto complainant with knife and caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.191 of 2024, after investigation, final report was filed and the same taken cognizance in P.R.C.No.67 of 2024, on the file of the learned Judicial Magistrate No.II, Kovilpatti, for the offences under Sections 294(b), 307 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 second respondent agreeing to withdraw the complaint, not willing to pursue the case.



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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.S.Ptichai, SSI of Police, Kayathar Police Station, Thoothukudi 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, the petitioner and the second respondent are none other than the father and son and there is a family dispute between the parties. Now the parties have compromised the matter and are living together. 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 P.R.C.No.67 of 2024 as against the petitioner pending before the learned Judicial Magistrate No.II, Kovilpatti, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.67 of 2024, on the file of the learned Judicial Magistrate No.II, Kovilpatti, 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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09.12.2024

To

- 1.The Judicial Magistrate No.II, Kovilpatti.
- 2.The Inspector of pOlice,
Kayathar Police Station,
Thoothukudi 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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