



Crl.O.P.(MD)No.22647 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22647 of 2024

1. Linga Durai

2. Prabhu Durai

... Petitioners

Vs

1. State represented by
the Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District
(In Crime No.282 of 2020).

2. Muthu Kutty

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge Sheet in C.C.No.116 of 2021 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same.

For Petitioners : M/s. Naresh Prabu.A

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

M/s. P.Sivakumar (R2)



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in C.C.No.116 of 2021 on the file of the Judicial Magistrate Court, Valliyoor, Tirunelveli.

2. The case of the prosecution is that due to previous enmity, on 24.08.2020, the defacto complainant was assaulted by the accused persons with iron rod and hands and threatened with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.282 of 2020. After investigation, a final report has been filed and the same was taken cognizance in C.C.No.116 of 2021 on the file of the Judicial Magistrate Court, Valliyoor, Tirunelveli, for the offences under Sections 294(b), 324, 506(ii) IPC, against the petitioners.



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4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, for the reason that sudden wordy quarrel led to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and second respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 18.12.2024 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, identified by Mr.Shunmugavel, HC 2328, Thirukkurungudi Police Station, Tirunelveli District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the dispute is of personal in nature arisen out of wordy quarrel and the sudden quarrel led to exchange of



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blows and the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b), 324, 506(ii) IPC.

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* was 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.116 of 2021 as against the petitioners pending before the Judicial Magistrate Court, Valliyoor, Tirunelveli, even though the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.116 of 2021, on the file of the Judicial Magistrate Court, Valliyoor, Tirunelveli, is quashed as against the



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petitioners and the joint compromise memo shall form part and parcel of this order.

20.12.2024

NCC : Yes / No
Index : Yes / No
PNM

To

1.The Judicial Magistrate, Valliyoor, Tirunelveli

2.The Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District
(In Crime No.282 of 2020).

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



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M.NIRMAL KUMAR, J.

PNM

Order in
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