



CrI.O.P.(MD)No.231 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.231 of 2025

and

CrI.M.P.(MD)No.153 & 154 of 2025

Manimaran

... Petitioner

Vs.

1. The State of Tamilnadu rep. by
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No. 18/2023).

2. Viji @ Vengalakshmi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, To call for the records pertaining to the Charge Sheet in C.C.No. 278 of 2023 on the file of the Judicial Magistrate Court No.II, Virudhunagar, Virudhuagar District, and quash the same as illegal.

For Petitioner	: Ms.M.Abinaya
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Ms.D.Saranya



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No. 278 of 2023 on the file of the Judicial Magistrate Court No.II, Virudhunagar, Virudhuagar District.

2. The case of the prosecution is that when the defacto complainant was at a shop, the petitioner is said to have misbehaved with her and when the defacto complainant questioned about the same, the petitioner is said to have abused the defacto complainant in filthy language and threatened with dire consequences.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.18 of 2023 and after investigation, final report was filed and the same was taken cognizance in C.C.No. 278 of 2023 on the file of the Judicial Magistrate Court No.II, Virudhunagar, Virudhuagar District for the offences under Sections 294(b), 323, 354(B), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 against the petitioner.



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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.

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.V.Abdul Kadhar Batsha, SSI of Police, Kariyapatti Police Station, Virudhunagar 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 is the sole accused. Now 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.



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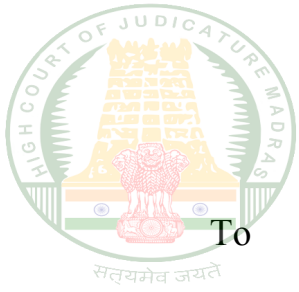
7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in (2012) ***10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in (2017) ***9 SCC 641*** were taken into consideration.

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.278 of 2023 on the file of the Judicial Magistrate Court No.II, Virudhunagar, Virudhuagar District as against the petitioner 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. 278 of 2023 on the file of the Judicial Magistrate Court No.II, Virudhunagar, Virudhuagar District is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
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10.01.2025



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- 1.The Judicial Magistrate Court No.II, Virudhunagar,
Virudhuagar District
- 2.The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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