



Crl.O.P.(MD)No.233 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.233 of 2025

1. Balamurugan
2. Krishnamoorthy

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No. 32/2022)

2. Suganya

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in C.C. No. 88 of 2024 on the file of the Learned Judicial Magistrate, Singampunari and quash the same.

For Petitioner	: Mr.M.Murugesan
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.C.Vemkalesh

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 88 of 2024 on the file of the Learned Judicial Magistrate, Singampunari.



Crl.O.P.(MD)No.233 of 2025

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2. The case of the prosecution is that there was a civil dispute between the petitioners and the second respondent. Due to which, the first petitioner is said to have abused the defacto complainant with filthy language and spread the same through whatsapp.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.32 of 2022 and after investigation, final report was filed and the same was taken cognizance in C.C. No. 88 of 2024 on the file of the Learned Judicial Magistrate, Singampunari for the offences under Sections 509 IPC r/w 67 of the Information Technology Act against the petitioners.

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.



Crl.O.P.(MD)No.233 of 2025

5. A Joint Memo of Compromise 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 and identified by Mr.S.Gunasekaran, SSI of Police, Singampunari Police Station, Sivagangai 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, there is a civil dispute between the parties and 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.

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.



Crl.O.P.(MD)No.233 of 2025

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.88 of 2024 as against the petitioners pending before the learned Judicial Magistrate, Singampunari 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. 88 of 2024 on the file of the learned Judicial Magistrate, Singampunari is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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08.01.2025

To

- 1.The Judicial Magistrate, Singampunari
- 2.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.233 of 2025

M.NIRMAL KUMAR, J.

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Crl.O.P.(MD)No.233 of 2025

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