



Crl.O.P.(MD) No.157 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Vellaichamy

2.Varatharaj

3.Dharmaraj

... Petitioners

Vs.

1.The State of Tamil Nadu
represented by its
The Inspector of Police,
Vadamadurai Police Station,
Dindigul.
(Crime No.521 of 2018)

2.Selvakumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973 to call for the records pertaining to C.C.No.758 of 2023 on the file of the Judicial Magistrate Court, Vedasandur and quash the same.

For Petitioners : Mr.M.Gandhi Rajan

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



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For R2

: Mr.K.R.Badurus Zaman

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ORDER

The Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, seeking to quash C.C.No.758 of 2023 on the file of the Judicial Magistrate Court, Veda sandur.

2. The case of the prosecution is that on 16.10.2018, at about 08:45 p.m., when the second respondent (de facto complainant) was traveling in a TATA Sumo vehicle along with Alexpandian and Veluchamy, the petitioners (A2 to A4) unlawfully gathered as a group, stopped the TATA Sumo vehicle, and questioned the second respondent, 'Why did you file a complaint against us at the police station? and Who do you think you are?' The petitioners and one Bose (A1) then abused them in filthy language, and the said Bose (A1) hit the second respondent (de facto complainant) on the back of his head with his hand. The petitioners also assaulted him on various parts of his body, including the head. As a result, the second respondent (de facto complainant) sustained minor injuries. Thereafter, the accused threatened them with dire consequences. Hence, the second respondent (de facto complainant) lodged a complaint.



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WEB COPY 3. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, F.I.R. came to be registered in Crime No. 521 of 2018 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.758 of 2023, on the file of the Judicial Magistrate Court, Vendasandur, for the offences punishable under Sections 294(b), 323, 506(2) and 341 of I.P.C. against the petitioners and the said Bose/A1.

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

5. A Joint Memo of Compromise, dated 01.01.2025, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.M.Madhavan, Special Sub-Inspector of Police, Vadamadurai Police Station, Dindigul District, as well as by the learned



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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, now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint against the petitioners for the offences punishable under Sections 294(b), 323, 506(2) and 341 of I.P.C.

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.758 of 2023 as against the petitioners pending before the Judicial Magistrate Court, Vedasandur, even though, the offences involved are not compoundable in nature.



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WEB COPY 9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.758 of 2023, on the file of the Judicial Magistrate Court, Vendasandur, is quashed as against the petitioners and the Joint Compromise Memo, dated 01.01.2025, shall form part and parcel of this order.

07.01.2025
(2/2)

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

JEN

To:

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



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M.NIRMAL KUMAR, J.

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