



*Crl.O.P.(MD)No.854 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

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1.Ariyappan  
1.Muthuramalingam

... Petitioners

Vs.

1.State of Tamil nadu  
rep., by the Sub Inspector of Police,  
Paramakudi Taluk Police Station,  
Ramanathapuram DIstrict.  
Crime No.335 of 2020

2.Bhuvanesan

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet in STC.No.865 of 2022 pending on the file of the learned Judicial Magistrate, Paramakudi and quash the same.

For Petitioners : Mr.A.Balaji

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

For R2 : Mr.J.Vivek



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**ORDER**

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This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in STC.No.865 of 2022 pending on the file of the learned Judicial Magistrate, Paramakudi and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that on 24.09.2020 the petitioners waylaid the defacto complainant and attacked him. 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 F.I.R. registered in Crime No.335 of 2020, after investigation, final report filed, the same taken cognizance in STC.No.865 of 2022 pending on the file of the learned Judicial Magistrate, Paramakudi, for the offences under Sections 341, 294(b), 323 and 506(i) of I.P.C. 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 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 filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.K.Karthikeyan, SSI of Police, Paramakudi Nagar Police Station, as well as by the learned counsels 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 voluntarily without any compulsion.

6. In the instant case, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 341, 294(b), 323 and 506(i) of I.P.C.



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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 STC.No.865 of 2022 pending on the file of the learned Judicial Magistrate, Paramakudi, as against the petitioners, even though, the offences involved are not compoundable in nature.

9. Considering the facts and circumstances of the case, this Court finds that A1 has got some previous cases and A2 is now working in abroad and there is no previous case against him, as regards this case is concerned, it was only a money dispute, which led to the above case. Considering A2' future prospects is getting jeopardise in view of the pendency of the above case and no serious offence is made out, this Court is inclined to quash the impugned charge sheet. Accordingly, this



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Criminal Original Petition is allowed and the proceedings in STC.No.865 of 2022 pending on the file of the learned Judicial Magistrate, Paramakudi, 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  
*Rmk*

**23.01.2025**

To

- 1.The Judicial Magistrate, Paramakudi.
- 2.The Sub Inspector of Police,  
Paramakudi Taluk Police Station,  
Ramanathapuram DISTRICT.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.NIRMAL KUMAR, J.**

*Rmk*

Order made in  
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