



Crl.O.P.(MD)No.1112 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1. Boopathy
2. Pandeewaran
3. Franklin
4. Viji @ Vijiaya Veera Sinnu ... Petitioners

Vs.

1. State rep by
The Sub-Inspector of Police,
Karimedu Police Station,
Madurai City,
In Crime No. 105 of 2019.

2. Sivakumar
3. Suresh
4. Kannan ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, To call for the records pertaining to the proceedings in C.C No.2146 of 2022 on the file of the learned Judicial Magistrate No.V, Madurai and quash the same.

For Petitioners : Mr.S.Bala Karthick
For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 to R4 : Mr.K.S.Kathiravan



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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.2146 of 2022 on the file of the learned Judicial Magistrate No.V, Madurai .

2. The case of the prosecution is that there is a money dispute between the petitioners and the private respondents. Over which the petitioners are said to have attacked the respondents with stone. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.105 of 2019 and after investigation, final report was filed and the same was taken cognizance in C.C No.2146 of 2022 on the file of the learned Judicial Magistrate No.V, Madurai for the offences under Sections 294(b), 323, 324 and 506(ii) IPC 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



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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.K.Saleem Sai, SSI of Police, C-5 Karimedu Police Station, Madurai, 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 money dispute between the parties. 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.



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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.2146 of 2022 on the file of the learned Judicial Magistrate No.V, Madurai 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.2146 of 2022 on the file of the learned Judicial Magistrate No.V, Madurai 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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22.01.2025

To

- 1.The learned Judicial Magistrate No.V, Madurai.
- 2.The Sub-Inspector of Police,
Karimedu Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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