



Crl.O.P.(MD)No.1243 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1243 of 2025

1. Alexander

2. Dixon @ Staling Neyo Dixon G

3. Stephen @ Stephen Paulraj

... Petitioners

Vs

1. The State of Tamil Nadu
Rep by the Inspector of Police
Manapparai Police Station
Cr. No. 211/2024
Trichy District.

2. Durai Arockiyaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records and quash the proceedings in C.C. No. 68 of 2024 on the file of the Judicial Magistrate, Vadipatty Madurai District herein as against the petitioners.

For Petitioners : M/s. A.Thiyagarajan

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



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M/s. R.Ravichandran(R2)

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in C.C.No.68 of 2024 on the file of the Judicial Magistrate, Manapparai.

2. The case of the prosecution is that on 08.05.2024 at about 09.00 a.m., the accused persons had committed theft of Welding Machine Cable Wire, worth about Rs.6,000/- from the workshop of the defacto complainant. 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 an FIR has been registered in Crime No.211 of 2024. After investigation, a final report has been filed and the same was taken cognizance in C.C.No.68 of 2024 on the file of the Judicial Magistrate, Manapparai, for the offences under Section 379 IPC, against the



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petitioners.
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4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, for the reason that the accused persons had repaid the amount for the stolen articles. Now, both realized their mistakes, reconciled and second respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 24.01.2025 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, identified by Ms.G.Lakshmi, WHC, Manapparai Police Station, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.



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6. In the instant case, the accused persons had committed theft of articles from the shop of the defacto complainant and now the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Section 379 IPC.

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* was 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.68 of 2024 as against the petitioners pending before the Judicial Magistrate, Manapparai, 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.68 of 2024, on the file of the Judicial



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Magistrate, Manapparai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

28.01.2025

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Judicial Magistrate, Manapparai

2. The Inspector of Police
Manapparai Police Station
Cr. No. 211/2024
Trichy District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

Order in
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