



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.1665 of 2025

and

Crl.M.P.(MD)No.1142 of 2025

Mariappan

... Petitioner

-Vs-

1.The State Represented by its,
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(In Crime No.462 of 2008)

2.Abdulla

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the entire records in relating to the
impugned charge sheet in C.C.No.71 of 2022 on the file of the learned
Judicial Magistrate Court, Manamadurai and quash the same.

For Petitioner	: Mr.S.Jeyakarthik
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mr.R.Bala Ganesh

ORDER

This Criminal Original Petition has been filed seeking to quash the
charge sheet in C.C.No.71 of 2022 on the file of the learned Judicial

Magistrate Court, Manamadurai .



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2.The case of the prosecution is that due to previous enmity, the accused is said to have attacked the defacto complainant with sickle and cause simple injures and further threatened her with dire consequences.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.462 of 2008 and after investigation, final report was filed and the same was taken cognizance in C.C.No.71 of 2022 on the file of the learned Judicial Magistrate Court, Manamadurai for the offences under Sections 294(b), 324 and 506(ii) IPC against the petitioner.

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 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 Ms.S.Umasekar, SSI of Police, Manamadurai Police

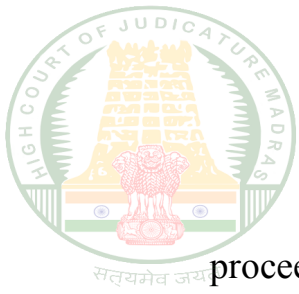


Station, Sivagangai District, as well as by the learned counsel appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

6. In the instant case, the petitioner is the sole accused. Due to previous enmity, the accused is said to have attacked the defacto complainant. 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.

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.71 of 2022 on the file of the learned Judicial Magistrate Court, Manamadurai, as against the petitioner, 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.71 of 2022 on the file of the learned Judicial Magistrate Court, Manamadurai is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

29.01.2025

Index : Yes/No

Internet : Yes/No

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To

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



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M.NIRMAL KUMAR,J.

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