



*Crl.O.P.(MD)No.2319 of 2024*

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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Cherman @ Sermam

... Petitioner

Vs.

1.The State rep., by  
The Sub-Inspector of Police,  
V.K.Pudur Police Station,  
Tirunelveli District.  
Crime No.358 of 2020

2.Muthupandi

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 482 of Cr.P.C., to quash the charge sheet filed by the first respondent police in C.C.No.464 of 2022 on the file of the Judicial Magistrate Court, Alangulam, Tirunelveli District.

For Petitioners : Mr.N.Pragalathan

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

For R2 : Mr.K.Muthurakkan



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## **ORDER**

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This Criminal Original Petition has been filed seeking orders to call for the records in C.C.No.464 of 2022 on the file of the Judicial Magistrate Court, Alangulam, Tirunelveli District and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the second respondent is the Car driver and on 30.12.2020 when the second respondent parked his car in front of tea shop, at that time, the petitioner came there, due to previous wordy quarrel, the petitioner abused the defacto complainant with filthy language, threatened and also demanded money from him. Hence, the defacto complainant lodged a complaint against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.358 of 2020, after investigation, final report filed, the same taken cognizance in C.C.No.464 of 2022 on the file of the Judicial Magistrate Court, Alangulam, Tirunelveli District, for the



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offences under Sections 294(b), 387 and 506(2) I.P.C. 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, for the reason, sudden wordy quarrel lead to exchange of blows. 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 petitioner and the second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Mr.A.Anthony Baskar, SSI of Police, V.K.Pudur Police Station, Tenkasi District, 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.



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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 294(b), 387 and 506(2) 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.464 of 2022 on the file of the Judicial Magistrate Court, Alangulam, Tirunelveli District, 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.464 of 2022 on the file of the Judicial Magistrate Court, Alangulam, Tirunelveli District, is quashed as against the



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petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No

**23.01.2025**

Index : Yes / No

*Rmk*

To

- 1.The Judicial Magistrate Court, Alangulam, Tirunelveli District.
- 2.The Sub-Inspector of Police,  
V.K.Pudur Police Station,  
Tirunelveli 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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