



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.5806 of 2024

1.Prabhakaran @ Prabakaran (Baskaran)

2.Veerasingam

3.Magesh

... Petitioners

-Vs-

1.The State rep by
The Inspector of Police,
K.Puduppatti Police Station,
Pudukottai District.
(In Crime No.278 of 2020)

2.Magalingam

3.Kailash Kumar

... Respondents

Prayer: Criminal Original Petition - filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet in PRC.No.4 of 2022 on the file of the learned Judicial Magistrate, Thirumayam, Pudukottai District and quash the same as far as these petitioners are concerned.

For Petitioners	: Mr.C.Senthil Murugan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2 & R3	: Mr.A.Murali Kumar



ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in P.R.C.No.4 of 2022 on the file of the learned Judicial Magistrate, Thirumayam, Pudukottai District.

2.The case of the prosecution is that due to previous enmity, the accused are said to have attacked the defacto complainant and his son with iron rod and cause injuries.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.278 of 2020 and after investigation, final report was filed and the same was taken cognizance in P.R.C.No.4 of 2022 on the file of the learned Judicial Magistrate, Thirumayam, Pudukottai District for the offences under Sections 341, 294(b), 323, 324, 307 and 506(ii) of IPC r/w 34 of 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 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 petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court and identified by Mr.Selvarasu, SI of Police, K.Pudhupatti Police Station, Pudukkottai 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, it is case and case in counter. Due to some enmity, both have attacked each other. 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.



WEB COPY

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 PRC.No.4 of 2022 on the file of the learned Judicial Magistrate, Thirumayam, Pudukottai District as against the petitioners, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.4 of 2022 on the file of the learned Judicial Magistrate, Thirumayam, Pudukottai District is quashed in its entirety as against all the accused persons and the joint compromise memo shall form part and parcel of this order.

29.01.2025

Index : Yes/No

Internet : Yes/No

ta

To

- 1.The Judicial Magistrate,
Thirumayam, Pudukottai District.
- 2.The Inspector of Police,
K.Puduppatti Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.5806 of 2024

M.NIRMAL KUMAR,J.

ta

Crl.O.P(MD)No.5806 of 2024

29.01.2025