



Crl.O.P.(MD) No.8758 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2025

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

**Crl.O.P.(MD) No.8758 of 2024**

and

**Crl.M.P.(MD) Nos.6002 & 6003 of 2024**

1.P.Aswin

2.Suriya

... Petitioners

Vs.

1.The State rep. by  
The Sub Inspector of Police,  
Suchindram Police Station,  
Kanyakumari District.  
(In Crime No.342 of 2022)

2.Sekar

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973 to call for the records pertaining to Charege Sheet in C.C.No.303 of 2023 on the file of the Judicial Magistrate Court No.III, Nagercoil and quash the same.

For Petitioners : Mr.G.Anto Prince

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

For R2 : Mr.M.Pozhilan



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## **ORDER**

The Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, seeking to quash C.C.No.303 of 2023 on the file of the Judicial Magistrate Court No.III, Nagercoil.

2. The case of the prosecution is that on 23.10.2022, at about 11:00 p.m., when the second respondent (the de facto complainant), along with one Satheesh, was standing while closing his shop, the petitioners came there and insisted that the second respondent (the de facto complainant) and Satheesh withdraw the earlier case filed against them. When the second respondent (the de facto complainant) and Satheesh refused to do so, the petitioners abused them using filthy language and threatened them in connection with the running of the shop. Subsequently, the first petitioner attacked the second respondent (the de facto complainant) below his left eye with a beer bottle, thereby causing simple injuries. The petitioners also kicked the second respondent (the de facto complainant). When Satheesh intervened to stop the assault, the petitioners attacked him as well, causing both grievous and simple injuries. At that time, one Saraswathi (the third witness) questioned the petitioners. In response, the



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petitioners criminally intimidated both the second respondent (de facto complainant and Satheesh, threatening them with death unless they withdrew the earlier case filed against them. Hence, the second respondent (the de facto complainant) lodged a complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, F.I.R. came to be registered in Crime No. 342 of 2022 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.303 of 2023, on the file of the Judicial Magistrate Court No.III, Nagercoil, for the offences punishable under Sections 294(b), 324, 506(2), 323 and 325 of I.P.C. 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.

5. A Joint Memo of Compromise, dated 17.06.2024, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the



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second respondent were also present in person before this Court and they were identified by Mr.S.Bala Chander, Special Sub-Inspector of Police, Suchindrum Police Station, Kanyakumari District, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences punishable under Sections 294(b), 324, 506(2), 323 and 325 of 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.303 of 2023 as against the petitioners pending



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before the Judicial Magistrate Court No.III, Nagercoil, 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.303 of 2023, on the file of the Judicial Magistrate Court No.III, Nagercoil, is quashed as against the petitioners and the Joint Compromise Memo, dated 17.06.2024, shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

07.01.2025  
(1/2)

Index: Yes/ No  
Neutral Citation: Yes / No  
Speaking Order/Non-Speaking Order

JEN

To:

- 1.The Judicial Magistrate No.III,  
Nagercoil, Kanyakumari District.
- 2.The Sub Inspector of Police,  
Suchindram Police Station,  
Kanyakumari 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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