



Crl.O.P.(MD) No.8772 of 2024

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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.8772 of 2024

and

Crl.M.P.(MD) Nos.6073 & 6075 of 2024

Aswin

... Petitioner

Vs.

1.The State rep. by
The Sub Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(In Crime No.302 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 S.T.C.No.644 of 2023 on the file of the Judicial Magistrate Court No.III, Nagercoil and quash the same.

For Petitioner : 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 S.T.C.No.644 of 2023 on the file of the Judicial Magistrate Court No.III, Nagercoil.

2. The case of the prosecution is that the second respondent (the de facto complainant) is running a shop for selling fruits and milk. On 10.09.2022, at about 09:30 p.m., the petitioner came to the shop and purchased a packet of milk. Thereafter, the petitioner spilled the milk in front of the shop, thereby defiling the shop. When the second respondent (the de facto complainant) questioned the petitioner regarding this, the petitioner abused him using filthy language and threatened him concerning the operation of the shop in the town. The petitioner further intimidated the second respondent (the de facto complainant) by stating that he should withdraw the case against him, or else he would not be allowed to run the shop in Parakkai. The petitioner also threatened that if the second respondent (the de facto complainant) did not withdraw the case, the petitioner would slaughter and burn him inside the shop and destroy the shop by setting it on fire. Fearing for his life, the second



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respondent (the de facto complainant) locked the shop and left, as there was already existing hostility between them. Hence, the second respondent (the de facto complainant) lodged a complaint against the petitioner.

3. The learned counsel appearing for the petitioner 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. 302 of 2022 and after investigation and filing of the final report, the same was taken cognizance in S.T.C.No.644 of 2023, on the file of the Judicial Magistrate Court No.III, Nagercoil, for the offences punishable under Sections 294(b) and 506(1) of 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.

5. A Joint Memo of Compromise, dated 19.06.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner 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) and 506(1) 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 S.T.C.No.644 of 2023 as against the petitioner 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 S.T.C.No.644 of 2023, on the file of the Judicial Magistrate Court No.III, Nagercoil, is quashed as against the petitioner and the Joint Compromise Memo, dated 19.06.2024, shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

07.01.2025
(2/2)

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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