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Crl.O.P.(MD)No.9458 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.9458 of 2024

Muthumani

... Petitioner

Vs.

1. State, rep. by Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.382/2022)

2. Subashsanthar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the charge-sheet in C.C.No.30 of 2023 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District and quash the same.

For Petitioner	: Mr.Saravanakumar.P
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.S.Prasanth

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.30 of 2023 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai.



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2. The case of the prosecution is that the petitioner under the pretext of performing pooja claiming himself as a fortune teller visited the defacto complainant's house and stolen the gold jewel of the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.297 of 2018 and after investigation, final report was filed and the same was taken cognizance in C.C.No.30 of 2023 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai for the offences under Sections 420 and 511 of 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.



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The petitioner and the second respondent are present before this Court and identified by Mr.P.Thangam, SSI of Police, Thirumangalam Police Station, Madurai District, as well as by the learned counsel appearing for the parties. This Court enquired both the parties and 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. 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.30 of 2023 as against the petitioner pending



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before the learned Judicial Magistrate, Thirumangalam, Madurai 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.30 of 2023 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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08.01.2025

To

- 1.The Judicial Magistrate, Thirumangalam, Madurai
- 2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai 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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