



*Crl.O.P.(MD)No.14157 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

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

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1. Thangapandian
2. Kaveri
3. Ravi @ Ravikumar
4. Murugan
5. Senthilvel @ Senthil
6. Ganesan
7. Selvakumar
8. Thangamuthu

... Petitioners

Vs.

1. State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Veeracholan Police Station,  
Virudhunagar District.  
(Crime No.56/2020).

2. Maheswari
3. Jayaprakash @ Kuruvi

... 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 P.R.C.No.26 of 2023 on the file of the Learned District Munsif - Cum -Judicial Magistrate, Thiruchuli, Virudhungan District and Quash the same.



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For Petitioners : Mr.Anandan.B  
For R1 : Mr.K.Sanjai Gandhi  
Government Advocate  
(Criminal Side)  
For R3 : Mr.Bala Subramaniam

### **ORDER**

This Criminal Original Petition has been filed seeking to quash the charge sheet in P.R.C.No.26 of 2023 on the file of the Learned District Munsif - Cum -Judicial Magistrate, Thiruchuli, Virudhungar District.

2. The case of the prosecution is that there was previous enmity between the petitioners and the private respondents. On the date of occurrence, the petitioners are said to have attacked the second and third respondents with knife. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.56 of 2020 and after investigation, final report was filed and the same was taken cognizance in P.R.C.No.26 of 2023 on the file of the Learned District Munsif - Cum -Judicial Magistrate, Thiruchuli, Virudhungar District for the offences under Sections 294(b), 324, 326, 448, 307 and 506(ii) IPC against the petitioners.



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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 and third respondents and their respective counsels. The petitioners and the second and third respondents are present before this Court and identified by Mr.K.Rathinam, SSI of Police, Veeracholan Police Station, Virudhunagar, 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, there was previous enmity between the parties and now the parties have compromised the matter before the elderly persons in the village. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.



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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 P.R.C.No.26 of 2023 on the file of the Learned District Munsif - Cum -Judicial Magistrate, Thiruchuli, Virudhungan 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 P.R.C.No.26 of 2023 on the file of the Learned District Munsif - Cum -Judicial Magistrate, Thiruchuli, Virudhungan District is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No  
Index : Yes / No  
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- To
- 1.The Learned District Munsif - Cum -Judicial Magistrate, Thiruchuli  
Virudhungar District.
  - 2.The Inspector of Police,  
Veeracholan Police Station,  
Virudhunagar 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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