



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.16815 of 2024

and

CrI.M.P.(MD)Nos.10557 and 10558 of 2024

Kanthasamy

... Petitioner

-Vs-

1.The State Rep by
The Inspector of Police,
Perungudi Police Station,
Madurai District.
(In Crime No.176 of 2017)

2.Krishnan

... Respondents

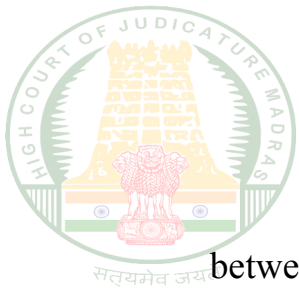
Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records pertaining to CC.No.
324 of 2024 on the file of the learned Judicial Magistrate, Tirumangalam
and quash the same against the petitioner is concerned.

For Petitioner	: Mr.D.S.Haroon Rasheed
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (CrI.Side)
For R2	: Mr.M.Ramesh Kumar

ORDER

This Criminal Original Petition has been filed seeking to quash the
charge sheet in C.C.No.324 of 2024 on the file of the learned Judicial

Magistrate, Tirumangalam.



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2. The case of the prosecution is that there is a matrimonial dispute between the defacto complainant's daughter and the brother of the petitioner herein. When the defacto complainant and his daughter went to the petitioner's house to take back the child his daughter, the accused is said to have abused the defacto complainant and his daughter.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.176 of 2017 and after investigation, final report was filed and the same was taken cognizance in CC.No.324 of 2024 on the file of the learned Judicial Magistrate, Tirumangalam for the offences under Sections 294(b), 324 and 506(ii) 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.

The petitioner and the second respondent are present before this Court



and identified by Mr.T.Gopalakrishnan, SSI of Police, Perungudi Police Station, Madurai 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, there is some family dispute between the petitioner and the defacto complainant. 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 CC.No.324 of 2024 on the file of the learned Judicial Magistrate, Tirumangalam as against the petitioner even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.324 of 2024 on the file of the learned Judicial Magistrate, Tirumangalam is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

24.01.2025

Index : Yes/No

Internet : Yes/No

ta

To

- 1.The Judicial Magistrate,
Tirumangalam.
- 2.The Inspector of Police,
Perungudi 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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