



Crl.O.P.(MD)No.1024 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1024 of 2025

Jayapandi

... Petitioner

Vs

1. State rep by
The Inspector of Police,
Solavanthan Police Station,
Madurai District.
(Crime No. 360 of 2017)

2. R. Raja

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crl. A. No. 84 of 2020 against C.C. No. 162/2018 pending on the file of the IV Additional District Sessions Judge, Madurai and quash the same.

For Petitioner : M/s.R.Srinivasan

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For Respondents 2 : Mr.Pandiyarajan



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the case in Crl.A.No.84 of 2020 (against C.C.No.162 of 2018) on the file of the learned IV Additional District Sessions Judge, Madurai.

2. The case of the prosecution is that there was a property dispute between the parties. On 09.08.2017 at about 07.15 a.m., the defacto complainant went to the subject property to do Boomi Pooja to initiate house construction. At that time, the petitioner came there and threatened the defacto complainant that he would demolish the building and also abused him with filthy language and caused injury to him. Hence, the complaint.

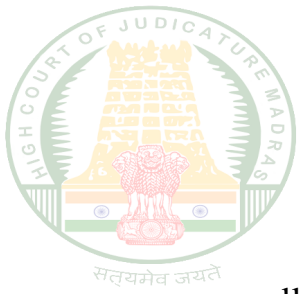
3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.360 of 2017. After investigation, a final report has been filed and the same was taken cognizance in C.C.No.162 of 2018 on the file of the learned Judicial



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Magistrate, Vadipatti, Madurai, for the offences under Sections 294(b), 324, 506(ii) IPC, against the petitioner. In this case, the prosecution has examined PW1 to 10 witnesses and marked Ex.P.1 to Ex.P.8. After conclusion of trial, the petitioner was convicted by the trial Court for the offence under Section 294(b), 324, 506(ii) IPC. Aggrieved against the same, the petitioner has preferred an appeal before the IV Additional District Sessions Judge, Madurai in Crl.A.No.84 of 2000.

4. During the pendency of appeal, as per the direction of elders and considering the close relationship, both the petitioner and the second respondent/victim have agreed to settle the dispute between themselves amicably. In view of the same, the appellate Court had forwarded the matter to the District Legal Services Authority for mediation. The issue had been resolved between the parties and filed an agreement, dated 18.10.2023 in this regard. In the said agreement, both parties agreed to compromise their dispute between themselves and they were signed.



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5. This being so, after the change of Presiding Officer in the appellate Court, the present Presiding Officer is not willing to accept the compromise and proceeded the case further. The apprehension of the petitioner is that if any adverse order is passed against the petitioner, it would affect the harmony between the families, since both the families are living happily and the issue between the parties have been resolved.

6. In this regard, the learned counsel for the petitioner in support of his contention relied upon the decision reported in **2014(2) Crimes 299 in Sube Singh Vs State of Haryana**. In which, the Division Bench in a similar situation when the appeal was pending, considering the close relationship and nature of offence, quash the case against the accused persons based on the compromise, since non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system and there is no statutory embargo against invoking of power under Section 482 Cr.P.C after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards. The learned counsel prays to quash the said case in terms of compromise



entered between the parties.

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7.Today, when the matter was taken up for hearing a joint Memo of Compromise, dated 24.01.2025 filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Ms.Kamatchi, SSI, Sholavandan, Madurai District as well as by the learned counsels appearing for the parties. This Court interacted with both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion. The compromise and settlement arrived before the District Legal Services Authority after deliberation and consideration, the District Legal Service Authority report produced.

8.The case has been registered for offences under Sections 294(b), 324, 506(ii) IPC. In view of the aforesaid decision stated *Supra*, the High Court has inherent power under Section 482 of the Code of Criminal Procedure to quash the criminal proceedings even during the pendency of appeal, for the offences which are not compoundable under Section 320 of the Code of Criminal Procedure, where the parties have



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settled their dispute between themselves. However, while quashing the criminal proceedings, based on the settlement arrived at between the parties, the High Court should act with caution and the power should be exercised sparingly only in order to secure the ends of justice and also to prevent abuse of process of any Court.

9. 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.

10. 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 Crl.A.No.84 of 2020 (against C.C.No.162 of 2018) on the file of the learned IV Additional District Sessions Judge, Madurai, is quashed consequently the conviction in CC No.162 of 2018 is set aside. The petitioner is discharged from all offence in Cr.No.360 of 2017 and all consequential proceedings, even though, the offences involved are not compoundable in nature and the terms of joint compromise memo and affidavit filed by the second respondent shall form



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part and parcel of this order.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PNM

To

1. The Inspector of Police,
Solavanthan Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.NIRMAL KUMAR,J.

PNM

ORDER IN
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