



Crl.O.P.(MD)No.19810 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19810 of 2024

Vijay

... Petitioner

Vs.

1.State of Tamil Nadu through
The Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.

2.Ramesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records connected to the impugned charge sheet in P.R.C.No.38 of 2024 on the file of the Judicial Magistrate Court, Valliyoor and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner	: Mr.G.Aravinthan M/s.Aran Legal Consultancy
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.A.Gowtham



Crl.O.P.(MD)No.19810 of 2024

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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in P.R.C.No.38 of 2024 on the file of Judicial Magistrate Court, Valliyoor.

2. The case of the prosecution is that due to previous enmity the petitioner is said to have waylaid the defacto complainant and attacked the defacto complainant with knife. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.135 of 2024 and after investigation, final report was filed and the same was taken cognizance in P.R.C.No.38 of 2024 on the file of Judicial Magistrate Court, Valliyoor for the offences under Sections 341, 294(b), 307 and 506(2) 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



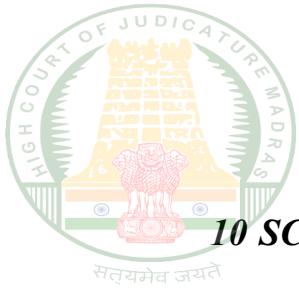
Crl.O.P.(MD)No.19810 of 2024

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 Ms.R.Vasanthi, Panagudi Police Station, Tirunelveli 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 was some previous enmity with regard to some payment and there is a case and case in counter and 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)



Crl.O.P.(MD)No.19810 of 2024

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.38 of 2024 as against the petitioner on the file of Judicial Magistrate Court, Valliyoor 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.38 of 2024 on the file of Judicial Magistrate Court, Valliyoor 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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10.01.2025



Crl.O.P.(MD)No.19810 of 2024

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To

- 1.The Judicial Magistrate Court, Valliyoor.
- 2.The Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.19810 of 2024

M.NIRMAL KUMAR, J.

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Crl.O.P.(MD)No.19810 of 2024

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