



Crl.O.P.(MD)No.21114 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21114 of 2024

and

Crl.O.P.(MD)No.13083 of 2024

1. Emaraj

2. Arumugasamy

... Petitioners

Vs.

1. The Tamilnadu State Rep by its
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime No. 256 of 2023

2. Karuppayi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, To call for the records pertaining to the case in P.R.C.No. 12 of 2024 on the file of the Judicial Magistrate No.II, Sattur and quash the same.

For Petitioners	: Mr.N.Mariappan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Criminal Side)
For R2	: Mr.V.Marichamy

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in P.R.C.No.12 of 2024 on the file of the Judicial Magistrate No.II, Sattur.



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2. The case of the prosecution is that on 29.09.2023, when the defacto complainant and her husband were on the way to hospital, the defacto complainant dashed the whip rye, which was the part of the Arch constructed by the second accused and the husband of the defacto complainant died on the way to hospital.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.256 of 2023 and after investigation, final report was filed and the same was taken cognizance in P.R.C.No.12 of 2024 on the file of the Judicial Magistrate No.II, Sattur for the offences under Sections 109 and 304(2) of IPC against the petitioners.

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 respondent and their respective



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counsel. The petitioners and the second respondent are present before this Court and identified by Mr.C.Sankaranarayanan, SSI of Police, Vembakottai Police Station, Virudhunagar 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, the petitioners have constructed an Arch for the purpose of temple festival and unfortunately, the same was the reason for the incident. The defacto complainant had received the compensation of Rs.2.5 lakhs. 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.



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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.12 of 2024 on the file of the Judicial Magistrate No.II, Sattur 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.12 of 2024 on the file of the Judicial Magistrate No.II, Sattur is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. The respondent police is also directed to take steps to collect the compensation amount from the Tahsildar under the special scheme mentioned for unnatural death. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
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22.01.2025



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WEB COPY

To

- 1.The Judicial Magistrate No.II, Sattur
- 2.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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