



Crl.O.P.(MD)No.21207 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21207 of 2024

and

Crl.O.P.(MD)Nos.13166 & 13167 of 2024

1.Mohamed Ansari

2.Hakeem

... Petitioners

Vs.

1.The State of Tamil Nadu,
The Inspector of Police,
Pulithipatty Police Station,
Sivagangai District.
(In Crime No.71 of 2022)

2.M.Abdul Salam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in S.T.C.No.16 of 2023 on the file of the learned District Munsif cum Judicial Magistrate Court, Singampunari and quash the same in respect of the petitioners/accused Nos.1 and 2 herein.

For Petitioner	: Mr.P.Aju Tagore
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.K.Navaneetharaja



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in S.T.C.No.16 of 2023 on the file of the District Munsif cum Judicial Magistrate, Singampunari.

2.The case of the prosecution is that the daughter of the second respondent and the first petitioner are husband and wife. There were some disputes between the first petitioner and the daughter of the defacto complainant. In this regard, the petitioners are said to have attacked the defactco complainant and abused him in filthy language.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.71 of 2022 and after investigation, final report was filed and the same was taken cognizance in S.T.C.No.16 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Singampunari for the offences under Sections 294 (b), 323 and 506 (1) of 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 respondent and their respective counsels. The petitioners and the second respondent are present before this Court and identified by Ms.M.Maheswari, SI of Police, Pulithipatti Police Station, Sivagangai District, as well as by the learned counsel appearing for the parties. This Court enquired both the parties and is 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 a case and case in counter. The matrimonial dispute between the first petitioner and the daughter of the defacto complainant has let the petitioners to face this case. 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.



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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 S.T.C.No.16 of 2023 as against the petitioners on the file of the learned District Munsif cum Judicial Magistrate, Singampunari even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.16 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Singampunari is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
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10.01.2025



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- To
- 1.The District Munsif cum Judicial Magistrate,
Singampunari
 - 2.The Inspector of Police,
Pulithipatty Police Station,
Sivagangai 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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Crl.O.P.(MD)No.21207 of 2024
and
Crl.O.P.(MD).No.4850 & 4851 of 2024

10.01.2025