



Crl.O.P.(MD)No.1263 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1263 of 2024

and

Crl.M.P.(MD)No.881 of 2024

A.Albert

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Karungal Police Station,
Karungal, Kanyakumari District.

2.C.John

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records in PRC No.83 of 2022 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District and quash the same.

For Petitioners	: Mr.I.G.Ivyn for Mr.Ragatheesh Kumar
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)
For R2	: Mr.Ashok Ismail

ORDER

This Criminal Original Petition has been filed to call for the records in PRC No.83 of 2022 on the file of the learned Judicial



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Magistrate, Eraniel, Kanyakumari District and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the first accused and daughter of the first respondent were in love. On 29.12.2009, the daughter of the defacto complaint went missing. Hence, the second respondent lodged the complaint against the petitioner and two others.

3. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. The petitioner and the defacto complainant are present before this Court. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

4. A Joint Memo of Compromise 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.J.Sivakumar, SSI of Police, Karungal Police Station, Kanyakumari District, as well as by the learned counsel appearing for the parties. This Court enquired both the parties and



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satisfied that the parties have come to an amicable settlement between themselves on their own without any compulsion.

5. In the instant case, the first accused and the daughter of the second respondent were in love and the case against the first and third accused was quashed based on the compromise entered between them. The High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.

6. 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.

7. 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 PRC No.83 of 2022 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC No.83 of 2022 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

08.01.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Judicial Magistrate,
Eraniel, Kanyakumari District
- 2.The Inspector of Police,
Karungal Police Station,
Karungal, Kanyakumari 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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