



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.22212 of 2024

- 1.Rajeshwari
 - 2.Kanagam
 - 3.Manimekalai
 - 4.Gukan
 - 5.Gowthaman
 - 6.Vasuki
 - 7.Silambarasan @ Silambugowtham
 - 8.Mahesh
 - 9.Baskaran
 - 10.Jeeva
 - 11.Ananth @ Anantharaj
- ... Petitioners

-Vs-

- 1.State of Tamil Nadu through,
Rep by The Inspector of Police,
Kallal Police Station, Sivagangai District.
(In Crime No.62 of 2022)

- 2.Dhiravida Selvi
- ... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records pertaining to the
impugned charge sheet in C.C.No.200 of 2024 on the file of the learned
Judicial Magistrate Court, Karaikudi, Sivagangai District and quash the
same as illegal.



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Crl.O.P.(MD)No.22212 of 2024



For Petitioners : Mr.A.Ilayaraja
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)
For R2 : Mr.A.Arputharaj

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.200 of 2024 on the file of the learned Judicial Magistrate Court, Karaikudi, Sivagangai District.

2.The case of the prosecution is that the petitioners are said to have trespassed into the second respondent's house and damaged the household articles.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.62 of 2022 and after investigation, final report was filed and the same was taken cognizance in C.C.No.200 of 2024 on the file of the learned Judicial Magistrate Court, Karaikudi, Sivagangai District for the offences under Sections 147, 294(b), 447, 427 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.

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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 Mr.S.Jeysankar, SI of Police, Kallal Police Station, Sivagangai 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 issue between the parties have settled the dispute and 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 C.C.No.200 of 2024 on the file of the learned Judicial Magistrate Court, Karaikudi, Sivagangai District as against the petitioners, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.200 of 2024 on the file of the learned Judicial Magistrate Court, Karaikudi, Sivagangai District is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

30.01.2025

Index : Yes/No
Internet : Yes/No
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To

1.The Judicial Magistrate Court, Karaikudi,
Sivagangai District

2.The Inspector of Police,
Kallal 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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