



Crl.O.P.(MD)No.22848 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22848 of 2024

1. Abdul Rahman
2. Ravi

... Petitioners

Vs.

1. The State Represented by
The Inspector of Police,
CCB, Madurai City.

2. A.K.Ahamed

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, To call for records pertaining to the Charge Sheet in C.C.No.1477 of 2023 on the file of the learned Judicial Magistrate-I, Madurai and quash the same as against these petitioners.

For Petitioner	: Mr.S.Poornachandran
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Criminal Side)
For R2	: Mr.S.Vijaya Kumar

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.1477 of 2023 on the file of the learned Judicial Magistrate-I, Madurai.



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2. The case of the prosecution is that the second respondent is the owner of the subject property. The first petitioner and five other persons are the tenants of the second respondent. The first petitioner along with five other persons are said to have broke open the defacto complainant's portion and abused the second respondent and intimidate him stating that the first petitioner had entered into a sale agreement with regard to the property in issue with the vendor of the second respondent. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent in Crime No.16 of 2021 and after investigation, final report was filed and the same was taken cognizance in C.C.No.1477 of 2023 on the file of the learned Judicial Magistrate-I, Madurai for the offences under Sections 448, 465, 468 and 471 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



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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 Mr.V.Shanmugavel, SSI of Police, CCB, Madurai City, as well as by the learned counsel appearing for the parties. This Court enquired both the parties and 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 are said to have created forged documents 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) 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.1477 of 2023 as against the petitioners pending before the learned Judicial Magistrate-I, Madurai 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.1477 of 2023 on the file of the learned Judicial Magistrate-I, Madurai is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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08.01.2025

To

- 1.The learned Judicial Magistrate-I, Madurai.
- 2.The Inspector of Police,
CCB, Madurai City..
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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