



Crl.O.P.(MD)No.28 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.28 of 2025

- 1.Duraisamy
- 2.Perumalsamy
- 3.Narayanan
- 4.Jeyakumar
- 5.Kannan
- 6.Alexpandian
- 7.R.Ravikumar
- 8.Kannaperumal @ Kannanperumal
- 9.Nareshkumar
- 10.R.Muthusamy
- 11.Jegan
- 12.Tharun
- 13.P.Jeyakumar
- 14.Vijay @ Vijayakumar
- 15.Veerakumar
- 16.Murugan
- 17.Balamurugan



Crl.O.P.(MD)No.28 of 2025

18.Aathikannan

19.Duraipandi

20.Maniarasu

21.Gopal @ Gopalakrishnan

22.Balakrishnan

... Petitioners

Vs.

1.The State rep., by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.334 of 2021

2.Pandi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the case in CC.No.254 of 2023 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District and quash the same in respect of the petitioners.

For Petitioners : Mr.C.Susikumar

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R2 : Mr.A.Kesavan



Crl.O.P.(MD)No.28 of 2025

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ORDER

This Criminal Original Petition has been filed to call for the records in CC.No.254 of 2023 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that there was a dispute between the petitioners and the second respondent regarding the worship and doing poojas in their family temple called “Uthiramadasamy Kovil” at Koodankulam. In that regard, on 20.08.2021, quarrel was arisen between the petitioners and the second respondent and attacked each other. Both have complained to the first respondent. It is the case and case in counter.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.334 of 2021, after investigation, final



Crl.O.P.(MD)No.28 of 2025

report filed, the same taken cognizance in in CC.No.254 of 2023 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, for the offences under Sections 147, 294(b), 323 and 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act 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, for the reason, sudden wordy quarrel lead to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. 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 filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.C.Sreepaul, Head Constable, Koodankulam Police Station, as well as by the learned counsels appearing for the parties. This



Crl.O.P.(MD)No.28 of 2025

Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 147, 294(b), 323 and 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act.

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 CC.No.254 of 2023 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, against the petitioners, even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD)No.28 of 2025

WEB COPY

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in CC.No.254 of 2023 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, 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
Rmk

23.01.2025
(2/2)

To

- 1.The Judicial Magistrate, Radhapuram, Tirunelveli District.
- 2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.28 of 2025

M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.28 of 2025

Dated: 23.01.2025
(2/2)