



Crl.O.P.(MD)No.22808 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22808 of 2024

Gopal

... Petitioner

Vs.

1.State of Tamil Nadu
rep., by the Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.116 of 2009

2.Thangapandiyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in P.R.C.No.27 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court, Kodaikanal, Dindigul District and to quash the same as illegal in so far as the petitioner is concerned.

For Petitioner	: Mr.S.Muthukumar
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.Solaisammy



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in P.R.C.No.27 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court, Kodaikanal, Dindigul District, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the defacto complainant was doing business of cutting trees with proper permission, for which, he spent money to lay road and pipe. On 11.03.2009 at about 08.00 am., when the defacto complainant along with his assistant transporting woods from Korampallam to Veena Company using that road, at that time, the accused persons intercepted the defacto complainant, scolded him with filthy languages as to how he laid the pipe and use that road and also damaged the pipes as well as road worth about Rs.5000/- and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent



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and F.I.R. registered in Crime No.116 of 2009, after investigation, final report filed, the same taken cognizance in P.R.C.No.27 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court, Kodaikanal, Dindigul District, for the offences under Sections 294(b), 427 and 506(ii) of I.P.C., and Section 3(1) of TNPPDL Act, 1984, against the petitioner.

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, the second respondent is agreeing to withdraw the complaint, not willing to pursue the case.

5. 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 present before this Court, identified by Mr.L.Ramalingam, SSI of Police, Kodaikanal Police Station, Dindigul District, as well as by the learned counsels 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 voluntarily without any compulsion.



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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 294(b), 427 and 506(ii) of I.P.C., and Section 3(1) of TNPPDL Act, 1984.

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 P.R.C.No.27 of 2022 on the file of the learned District Munsif Cum Judicial Magistrate Court, Kodaikanal, Dindigul District, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.27 of 2022 on the file of the learned District



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Munsif Cum Judicial Magistrate Court, Kodaikanal, Dindigul District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
Rmk

06.01.2025

To

- 1.The District Munsif Cum Judicial Magistrate Court, Kodaikanal, Dindigul District
- 2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.22808 of 2024

Dated: 06.01.2025