



Crl.O.P.(MD)No.1713 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1713 of 2025

1.Mohamed Ali
2.Rahamathullah
3.Abdullah @ Haji Abdullah
4.Mohamed Ismail

... Petitioners

Vs.

1.The State rep by
The Inspector of Police,
Villakkuthoon Police Station,
Madurai District,
(Crime No.164 of 2022)

2.Anwar Mohamed

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the Final Report in S.C.No.142 of 2023 pending on the file of the learned Chief Judicial Magistrate, Madurai and quash the same.

For Petitioners	: Mr.A.Jainul Abudheen
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.Palmurugan



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in S.C.No.142 of 2023 on the file of the learned Chief Judicial Magistrate, Madurai.

2.The case of the prosecution is that the petitioners are said to have assaulted the defacto complainant with knife and threatened the defacto complainant with dire consequences. 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.164 of 2022 and after investigation, final report was filed and the same was taken cognizance in S.C.No.142 of 2023 on the file of the learned Chief Judicial Magistrate, Madurai for the offences under Sections 147, 148, 307 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.R.Vengatesalapathi, SSI of Police, B1, Vilakkuthun Police Station, Madurai City, 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, there was a scuffle over the children dispute between neighbors. The injuries are simple in nature and the injured discharged from the hospital on the same day. 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 S.C.No.142 of 2023 as against the petitioner on the file of the learned Chief Judicial Magistrate, Madurai even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.142 of 2023 on the file of the learned Chief Judicial Magistrate, Madurai 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
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29.01.2025

To

1.The Chief Judicial Magistrate, Madurai

2. The Inspector of Police,
Villakkuthoon Police Station,
Madurai 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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