



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6408 of 2026

Tamil Thendral
S/o.Soundararajan,
3/288, Tholar Salai, Eraiyur,
Pennadam, Tittakudi,
Cuddalore District - 606 111.

..Petitioner(s)

Vs

1. The State Rep. by the Inspector of Police,
Ramanatham Police Station,
Cuddalore. (Crime No.59 of 2021)

2. Ashok S/o.Palanivel,
Vaithiyanathapuram, Naduthuru,
Thittakudi Taluk, Cuddalore District.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the records pertaining to the Charge Sheet in C.C.No.45/2022, on the file of the Judicial Magistrate No.I, Thittakudi and quash the same.

For Petitioner(s): Mr.S.DIWAKAR

For Respondent(s): Mr.LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PUBLIC PROSECUTOR
FOR R1

ORDER

The petitioner/A4 facing trial in C.C.No.45 of 2022 for offences under Sections 147, 148, 294(b), 323, 324 & 506(2) filed this quash petition.



2.The case of the prosecution is that on 24.03.2021 at about 20.45 hours defacto complainant Ashok was standing near his grandmother's house and speaking with her. There was already a land dispute between the defacto complainant's family with the family of the petitioner. A1 Natarajan, came there and attacked the defacto complainant with a wooden log on head and hand. A2 Govindhan, A3 Rajasuriyan, A4 Tamil Thendral/petitioner and A5 Poonga, all joined together abused and attacked with wooden log. When Palanivel LW2 intervened, A2 is said to have attacked him with a Koduvaal and LW3 was abused by all the accused. As regards the petitioner/A4, there is no specific overt act.

3.The contention of the petitioner is that the defacto complainant on realising that the petitioner was mistakenly implicated in this case and after the request of the petitioner's family, he decided to withdraw the complaint against the petitioner alone, considering that the petitioner is law student recently completed his education during the pendency of the case, he is unable to enroll as an advocate. The same was informed to the respondent police and request to relieve the petitioner from the case and the respondent police refused. Thereafter, on conclusion of investigation, charge sheet has been filed.



4.The learned Additional Public Prosecutor appearing for the first respondent submitted that on the complaint of the defacto complainant, the case has been registered and on completion of investigation, charge sheet filed before the trial Court in C.C. No.45 of 2022. The trial Court had taken cognizance of the case for offences under Section 147, 148, 294(b), 323, 324 and 506(ii) IPC . Now, the trial is pending. At this stage, quash petition has been filed. He further submitted that the compromise entered between the petitioner/A4 and the defacto complainant and was enquired. The defacto complainant confirmed the same.

5.The learned counsel appearing for the petitioner as well as the learned counsel for the defacto complainant submitted that the parties have now amicably settled the issue among themselves. Hence, they seek to quash the proceedings pending against the petitioner alone and in this regard, a joint compromise memo entered into between them, which is scanned and reproduced hereunder:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
C.C.D.P.No. 64 of 2023

(On the file Judicial Magistrate No.1, Thirukudal, Cuddalore)

Tamil Thendral, (M.24 Yrs.)
S/o. Soundararajan,
3/288, Tholar Salai, Puzosur,
Pennadam, Tirukudal,
Cuddalore Dt-606111

Petitioner/Amended

Vs.

1. State rep. by
Inspector of Police,
Ramanathan Police Station,
Cuddalore (Crime No.59 of 2021)

Respondent/Complainant

2. Ashok, S/o. Palaniyandi,
Vairathiyasathapattanam, Naderthara,
Thirukudal Taluk,
Cuddalore District.

Respondent/
Defacto Complainant

COMPROMISE MEMO

The petitioner above named hereby submits as follows:-

1. It is respectfully submitted that the petitioner filed quash petition before this Hon'ble Court against the Charge Sheet in C.C.No.45/2023, on the file of the Judicial Magistrate No.1, Thirukudal, filed by the 1st respondent herein.

2. It is submitted that, the petitioner and the defacto complainant forgot all past things; therefore they amicably settled their disputes and entered into compromise. There is nothing survive in proceeding the case in respect of this petitioner. Now the 2nd respondent did not want to proceed the case further against this petitioner and that effect the defacto complainant and this petitioner filed this joint compromise memo before this Hon'ble Court along with quash petition.



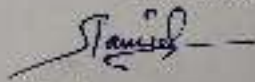
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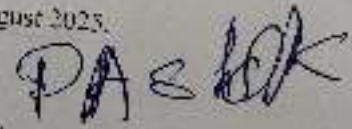
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3. It is submitted that therefore the defacto complainant has come forward to file this memo of appearance because he has nothing against this petitioner to proceed with the case and they have reached the compromise to quash the impugned Charge sheet. Hence, this joint compromise memo is filed.

Therefore it is most respectfully prayed that this Hon'ble court may be pleased to accept this compromise memo and call for the records pertaining to the Charge Sheet in C.C.No 45/2022, on the file of the Judicial Magistrate No.1, Tiruvadi and quash the same as Compromise in respect of petitioner herein and pass such any further or other orders as this Hon'ble court may deem fit and proper under the circumstances of the case and thus render justice.

Dated at Chennai on this 11th day of August 2023.


Petitioner


2nd respondent/Defacto Complainant

M. Balaji 1987/2009.
Counsel for petitioner



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6. Heard both sides and perused the materials available on record.

7. The case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

8. The petitioner and the defacto complainant appeared before this Court and they were identified by their respective counsel.

9. On being interaction by this Court, the *de facto* complainant and the petitioner stated that they are willing to settle the dispute and the defacto complainant is not willing to pursue the criminal proceedings against the petitioner alone and therefore, seeks to quash the same.

10. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ CrI 10**, this Court in exercise of



its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.45 of 2022, pending on the file of the Judicial Magistrate No.I, Thittakudi.

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11.In the present case, the dispute between the petitioner and the defacto complainant and quashing the proceedings will not affect any overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings against the petitioner alone. In view of the above, this Court is inclined to quash the proceedings pending against the petitioner alone in C.C.No.45 of 2022 on the file of the Judicial Magistrate No.I, Thittakudi.

12.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.45 of 2022 pending on the file of the Judicial Magistrate No.I, Thittakudi, is quashed against the petitioner/A4 alone and the terms of affidavit and joint compromise memo shall form part and parcel of this order. It is made clear that quashing of criminal proceedings with regard to A4 will not enure to the advantage of the other accused during trial.

24-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sms



To

1. The Judicial Magistrate No.I, Thittakudi.

2. The Inspector of Police,
Ramanatham Police Station,
Cuddalore. (Crime No.59 of 2021)

3. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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