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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/03/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.18404 of 2022
and
Cr1.MP(MD)No.12339 of 2022

- 1.Sendu Buhari @ Syed Mohamed Buhari
- 2.Kothupapalli Shahul @ Katta Shahual
@ Shahul Hameed Badusha
- 3.Bismi @ Anwar Bismi : Petitioners/A1 to A3

Vs.

- 1.State represented through
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli,
(In Crime No.344 of 2022) : R1/Complainant
- 2.Mohamed Asaar : R2/De-facto Complainant

PRAYER:-This Criminal Revision has been filed under section 482 of the Criminal Procedure Code, to call for the records of impugned First Information Report in Crime No.344 of 2022 on the file of the respondent No.1 Police Station and quash the same as illegal as against the petitioners and pass such further or others.

For Petitioner : Mr.A.Agmali Kasali

For 1st Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.A.Abdul Kabur



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O R D E R

This Criminal Original Petition has been filed seeking quashment of the First Information Report in Crime No.344 of 2022 on the file of the respondent No.1 Police Station.

2.The petitioners are facing the charges for the offences punishable under sections 294(b), 323, 324 and 506(ii) IPC, in Crime No.344 of 2022.

3.Seeking quashment of the above said proceedings, on the basis of the compromise between the parties, this petition has been filed.

3.The complainant as well as the accused were present before this court and their identity also verified.

4.At the time of the above said hearing, the learned Additional Public Prosecutor made objection stating that all the petitioners are facing previous cases and they are also history sheeted persons. So according to him, the antecedents of the petitioners must be taken into account.



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5.No doubt that these petitioners are involved in previous cases and having bad antecedents. So history sheets were also opened against them.

6.But reading of the FIR shows that the above said occurrence said to have taken place, when the accused persons warned the de-facto complainant over his conduct with one Nisha, who was already married. Over the above said issue only, the present occurrence said to have been taken place and assault has been made upon the de-facto complainant. So it is seen that it is purely a private issue between them. No breach of peace or violation of the law and order involved.

7.Since the petitioners are having previous cases, they must face the same as per law. But the nature of this case shows that the compromise that was reached between the parties can be entertained, since only the offence under section 506(2) IPC is non-compoundable, 294(b) IPC is a minor offence and the offences under sections 323 and 324 IPC are compoundable in nature.



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8.Considering the nature of the allegation and the occurrence taken place and the reason for the above said occurrence, this petition is liable to be allowed, in view of the compromise reached between the parties.

9.In the result, this criminal original petition is **allowed**. The FIR in Crime No.344 of 2022 on the file of the first respondent is set aside. The joint compromise memo , dated 10/11/2022 shall form part of this order. Consequently connected Miscellaneous Petition is closed.

23/03/2023

Index:Yes/No
Internet:Yes/No

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To,

- 1.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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Cr1.OP(MD)No.18404 of 2022

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