



Crl.O.P.No.24792 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.10.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24792 of 2024

and

Crl.M.P.No.13898 of 2024

- 1.Dhanush @ Dhanush Raj
- 2.Rohith @ Penikalapati Rohith
- 3.Sudharsan @ Sudharsanam
- 4.Madhan @ Madhan Kumar

.. Petitioners/
Accused No.1 to 4

/versus/

- 1.State of Tamil Nadu rep.by
The Inspector of Police,
Maraimalai Nagar Police Station,
Chennai.
Crime No.407 of 2024

..1st Respondent

- 2.P.Yoga Selvan

.. 2nd Respondent/
Defacto complainant

Criminal Original Petition has been filed under Section 528 of BNSS to call for the records relating to the impugned FIR in Crime No.407 of 2024, dated 28.08.2024 on the file of the 1st respondent police and quash the same.



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For Petitioners :Mr.C.Nihil Nandha
For R1 :Mr.K.M.D.Muhilan
Govt.Advocate(Crl.Side)
For R2 :Mr.Abdul Kareem

ORDER

This petition is to quash Crime No.407 of 2024 on the ground of compromise arrived between the complainant and the accused.

2.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that on completion of investigation, final report filed through e-filing and states that if at all the petitioners want to compromise the matter, they can appear before the Judicial Magistrate and get the matter settled either under Probation of Offenders Act, 1958 or invoke the provision of plea bargaining.

3.The learned counsel appearing for the petitioners submitted that even if the final report filed, in an exceptional case the Court can invoke its inherent power under Section 528 of BNSS and that has been reiterated by the Hon'ble Supreme Court in *Kailashben Mahendrabhai Patel and others v. State of Maharashtra and another* reported in 2024



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INSC 737.

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4. This Court after giving anxious consideration to the submissions and the judgment of the Hon'ble Supreme Court finds that the facts and circumstances of this case does not warrant in exercise of inherent power to quash the First Information Report after the completion of investigation and filing of final report. If the petitioners so advice, they can move the Court challenging the final report or as suggested by the learned Government Advocate (Crl.Side) resort to plea bargain/compounding whichever is applicable.

5. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

04.10.2024

Index:yes/no
Internet:yes/no
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To:



Crl.O.P.No.24792 of 2024

1. The Inspector of Police, Maraimalai Nagar Police Station,
Chennai.

2.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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