



Crl.O.P.(MD)No.2398 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL.OP.(MD).No.2398 of 2025

Rajildan

... Petitioner/Accused No.11

Vs.

1.The State of Tamil Nadu
rep.by The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.357/2020)

... 1st Respondent/Complainant

2.Kishok Kumar

...2nd Respondent/De-facto Complainant

Prayer:Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the Crime No.357/2020 dated 24.11.2020 on the file of the first respondent police and quash the same.

For Petitioner : Mr.Ramasamy.S

For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

For R2 : Mr.C.Venkatesh



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ORDER

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The Criminal Original Petition has been filed to call for the records pertaining to the Crime No.357 of 2020 dated 24.11.2020 on the file of the first respondent police and quash the same.

2. When the matter is taken up for hearing today, the *de-facto* complainant, the second respondent and other victims namely Kishok Kumar, Dismon, John Kevin, Franko and Willet are present and they stated that the matter has been compromised by the parties and there is no objection to quash the case as against this Petitioner/A1. They also made an endorsement in the Joint Compromise Memo dated 07.02.2025 to that effect. Since, the matter has been compromised between the parties and the victims has no objection to quash the proceedings. This Court also in another case quashed the proceedings based on the compromise for other accused persons through order dated 21.06.2022 in Crl.O.P.(MD).No.10918 of 2022 in the case of ***Prabhu and Ors. Vs. The State rep.by the Inspector of Police, Tirunelveli District and Anr.*** Though, one of the victim namely Sahaya Arul Vimal is also one of the victims, is not present today, since he is in abroad.



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3. This Court has considered the rival submissions advanced by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the first respondent and perused all the materials available on record. No any injuries sustained by Sahaya Arul Vimal and he was only treated as out patient. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise, dated 04.02.2025, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by the respondent police, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, the dispute is of personal in nature and now the parties had compromised. When the parties have compromised the



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matter, the High Court has power to quash the complaint for the offences under Sections 147, 148, 294 (b), 323, 324, 327, 506 (ii) of IPC.

6. 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.

7. 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 Crime No. 357 of 2020, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

8. Accordingly, in view of the compromise arrived at between the parties and also considering the nature of offences inter-alia, this Court also quashed the FIR as against other accused persons vide order dated 21.06.2022 in CrI.O.P.(MD).No.10918 of 2022 in the case of *Prabhu and Ors. Vs. The State rep.by the Inspector of Police, Tirunelveli*



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District and Anr. this Court is inclined to accept the compromise.
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9. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No. 357 of 2020 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 04.02.2025 shall form part and parcel of this order.

13.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

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



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P.DHANABAL, J.

nst

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Dated: 13.02.2025