



Crl.O.P.(MD)No.5311 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.5311 of 2024

M.Maharaja

... Petitioner

Vs

1. The State,
Rep by The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tenkasi District..

2. The State,
Rep by The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
(Crime No.314 of 2021).

3. Devakannan,

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned charge sheet in S.C.No.26/2022 on the file of the II Additional District Court, (PCR) Tirunelveli and Quash the same as against this petitioner alone.

For Petitioner : M/s.Venkatesh.C,

For Respondents : Mr.K.Sanjai Gandhi, (R1 & R2)
Government Advocate (Crl.Side)
Mr. M.Murugesan (R3)



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in S.C.No.26 of 2022 on the file of the II Additional District Court, (PCR) Tirunelveli.

2. The case of the prosecution is that on 15.06.2021 the accused persons were waylaid the defacto complainant abused him by using his caste name. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the third respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.314 of 2021. After investigation, a final report has been filed and the same was taken cognizance in S.C.No.26 of 2022 on the file of the II Additional District Court, (PCR) Tirunelveli, for the offences under Sections **341, 294(b), 323, 324, 307, 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act**, against the petitioner.



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4.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves and third respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 21.11.2024 is filed before this Court signed by the petitioner and the third respondent and their respective counsels. The petitioner and the third respondent are present before this Court, identified by Mr.G.Subbaiah, HC, Puliyangudi Sub Division, Tenkasi District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the dispute is of personal in nature arisen out of wordy quarrel and the sudden quarrel led to exchange of blows and the parties had compromised. The victim earlier received the compensation amount of Rs.1,50,000/- now remitted back to the



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Government account vide Challan No.20241218013384, dated 18.12.2024. The copy of e-challan confirming the remittance of Rs. 1,50,000/- produced. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 341, 294(b), 323, 324, 307, 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act. In this case, A2 is juvenile and separate case has been filed against him.

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* was taken into consideration.

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.26 of 2022 as against the petitioners pending before the II Additional District Court, (PCR) Tirunelveli, even though the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.26 of 2022, on the file of the II Additional District Court, (PCR) Tirunelveli, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

20.12.2024

NCC : Yes / No
Index : Yes / No
PNM

To

1.The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tenkasi District.

2. The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
(Crime No.314 of 2021).

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

Order in
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