



Crl.O.P.(MD)No.19493 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19493 of 2024

1. Shanmugasundaram
2. Muthu Udaiyar
3. Muthu @ Muthuselvan
4. Lakshmanan
5. Udaiyar
6. Senthurpandi
7. Perumal
8. Pitchandi

... Petitioners

Vs.

1. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

2. Sankaran Reddiyar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the the case in Crime No.99 of 2019 on the file of the first respondent police and quash the same against the petitioners.



Crl.O.P.(MD)No.19493 of 2024

WEB COPY

For Petitioners : M/s.T.A.Ebenezer
For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)
For R-2 : Mr.V.Karuna

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.99 of 2019 on the file of the first respondent Police.

2. The case of the prosecution is that due to Cooperative Election dispute, the accused persons unlawfully assembled and trespassed into the house of the defacto complainant and attempted to attack him and damaged the household articles to the tune of Rs.10,000/-. Hence this present case.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second



Crl.O.P.(MD)No.19493 of 2024

WEB COPY

6. In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 147, 148, 109, 452, 294(b), 506(ii) of IPC and Section 3 Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992.

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*** were 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 Crime No.99 of 2019, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.99 of 2019 on the file of the



Crl.O.P.(MD)No.19493 of 2024

WEB COPY

first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

22.11.2024

NCC : Yes / No
Index : Yes / No
jbr

To

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



WEB COPY



Crl.O.P.(MD)No.19493 of 2024

M.NIRMAL KUMAR, J.

jbr

Crl.O.P.(MD)No.19493 of 2024

22.11.2024