



Crl.O.P.(MD)No.10536 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.10536 of 2024

and

Crl.M.P.(MD)No.7078 of 2024

1.Venkatesh
2.Naveen Kumar
3.Gowtham
4.Allahbacksh
5.Anish Kumar
6.Mohammed Sadhique

... Petitioners

Vs.

1.State through by,
The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.
(Crime No.127 of 2024)

2.S.Venkatachalam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for records pertaining to the First Information Report in Crime No.127 of 2024, dated 27.03.2024, on the file of the first respondent, for the offences under Sections 147, 294(b), 364(A) and 506(i) of I.P.C. and quash the same as illegal as against the petitioners.



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For Petitioners : Mr.S.Ramasamy
For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 : Mr.M.Murugesan

ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the F.I.R. in Crime No.127 of 2024, dated 27.03.2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent (de-facto complainant) has two sons, namely Shenbagarajendran and Balaji. His elder son, Shenbagarajendran, was working in the Railway Department but was terminated from his service due to some malpractice committed by him. On 27.03.2024, at around 06:30 a.m., while the de-facto complainant was at home, he received a phone call from Mobile No.9003306880, informing him that his elder son had been kidnapped and was confined at Nellai Park Lodge. The de-facto complainant and his younger son then visited the lodge and confirmed the abduction of his elder son. Furthermore, the accused persons demanded a ransom of



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Rs.4,00,000 for the release of his son. Hence, the de-facto complainant has lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.127 of 2024, dated 27.03.2024, for the offences under Sections 147, 294(b), 364(A) and 506(i) of I.P.C. against the petitioners. After completion of investigation, now, charge sheet has been filed against the petitioners before the Judicial Magistrate Court No.IV, Tirunelveli, and the same was taken cognizance in C.C.No.1625 of 2024.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise, dated 15.07.2024, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners



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and the second respondent were also present in person before this Court and they were identified by Mr.M.Kolappan, Sub-Inspector of Police, C1 Junction Police Station, Tirunelveli City, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, 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, 294(b), 364(A) and 506(i) of I.P.C.

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.127 of 2024, pending before the first



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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.127 of 2024, on the file of the first respondent Police, is quashed. Consequently, the proceedings in C.C.No.1625 of 2024, pending against the petitioners before the Judicial Magistrate Court No.IV, Tirunelveli, also stands quashed. The terms of joint compromise memo dated 15.07.2024, shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

05.12.2024

NCC : Yes / No
Index : Yes / No
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Copy to:-

The Judicial Magistrate No.IV,
Tirunelveli.
To

1.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.



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



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M.NIRMAL KUMAR, J.

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Order made in
Crl.O.P.(MD)No.10536 of 2024

Dated: 05.12.2024