



Crl.O.P.(MD)Nos.10781 and 10799 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.10781 and 10799 of 2024

Crl.O.P.(MD)No.10781 of 2024

1. Moopaati @ Anbarasan
2. Kaviyarasu
3. Sathasivam
4. Vasantha

... Petitioners

Vs

1. State Rep. by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.

2. Rajkiran

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS and Section 482 Cr.P.C. to call for the records pertaining to the impugned First Information Report in Crime No.268 of 2019 on the file of the 1st respondent Police and quash the same.

For Petitioners
For R1

: Mr.A.Azhageson
: Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)
: Mr.P.C.Rajapriyan

For R2

Crl.O.P.(MD)No.10799 of 2024

1. Sathaiyan @ Sathiyam
2. Rajkiran
3. Natesan



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4. Vasumathi

5. Indhirani

6. Shanthi

... Petitioners

Vs

1. State Rep. by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.

2. Thamilarasan

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS and Section 482 Cr.P.C. to call for the records pertaining to the impugned First Information Report in Crime No.269 of 2019 on the file of the 1st respondent Police and quash the same.

For Petitioners

: Mr.A.Azhageson

For R1

: Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

For R2

: Mr.N.Jeyaram Sidharth

COMMON ORDER

The petitioners in Crl.O.P.(MD)No.10781 of 2024 are accused in Crime No.268 of 2019 on the file of the first respondent Police for the offence under Sections 294(b), 323, 324 and 506(2) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. They have filed this petition to quash the FIR in Crime No.268 of 2019 registered against them.



2. The petitioners in Crl.O.P.(MD)No.10799 of 2024 are accused in Crime No.269 of 2019 on the file of the first respondent Police for the offence under Sections 147, 148, 294(b), 324 and 506(2) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992. They have filed this petition to quash the FIR in Crime No.269 of 2019 registered against them.

3. The petitioners and the second respondent/defacto complainant in both the petitions are relatives. The 3rd petitioner in Crl.O.P.(MD)No.10781 of 2024 has approached the defacto complainant's family with a marriage proposal for his son Tamilarasan, but, the same was not accepted by the defacto complainant's family. Due to that motive, on 30.06.2019 at about 9.30 p.m., when the defacto complainant was waiting in the bus stop, the petitioners in Crl.O.P.(MD)No.10781 of 2024 came to the spot and attacked him with stick and beer bottles. Hence, the case in Crime No.268 of 2019 has been registered against the petitioners in Crl.O.P.(MD)No.10781 of 2024. Subsequently, a counter case has been registered in Crime No.269 of 2019, based on the complaint given by the said Tamilarasan.

4. The petitioners and the defacto complainant in both the petitions are present before this Court and they submitted that on the intervention of the



elders, they have amicably resolved their issue. To that effect, they have also filed compromise memo dated 19.07.2024 signed by the parties.

5. Before entertaining these applications on the ground of compromise, this Court has directed the investigation officer in Crime Nos.268 and 269 of 2019 to personally verify with the defacto complainants and to ascertain whether the compromise memos are voluntary and without any threat or coercion. The investigating officer, after due verification, has filed his reports as under:

“This is to certify that, as directed by this Court in Crl.O.P.(MD)Nos.10781 and 10799 of 2024, I personally verified the defacto complainants in Cr.Nos.268 and 269 of 2019 and ascertained that the compromise arrived between the accused and the defacto complainants in the above cases are voluntary, without any threat or coercion.

I further clarify that there are no other victims in this case, except the victims appeared before this Hon’ble Court today.”

6. The parties are present. This Court has verified the parties with their Aadhaar cards and also verified as to the present status. Both the parties have expressed their willingness to solve the issue. Since the parties have reached settlement, the continuance of legal proceedings would serve no purpose.



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Moreover, the conflict is between the private individuals and it is not affecting the society at large.

7. In view of the above development and in the light of the guidelines issued by the Hon'ble Supreme Court reported in **2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the FIRs in Crime Nos.268 and 269 of 2019 on the file of the first respondent Police.

8. Accordingly, both the Criminal Original Petitions are allowed and the FIRs in Crime Nos.268 and 269 of 2019 are hereby quashed. The Joint Compromise Memos dated 19.07.2024 shall form part and parcel of the order.

29.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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B.PUGALENDHI,J

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To

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

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