



Crl.O.P.(MD)No.11352 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.11352 of 2024

1. Selvam
2. Vasantha Kumar
3. Selvakumar
4. Sakthi Balan

... Petitioners

Vs

1. The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District,
Crime No.375 of 2022.

2. Kalaiselvan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the FIR in Crime No.375 of 2022 on the file of the 1st respondent police and quash the same as illegal.

For Petitioners : Mr.G.Radhakrishnan

For Respondents : Mr.K.Sanjai Gandhi (R1)
Government Advocate (Crl.Side)

M/s. A.V.Arun Kumar (R2)



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ORDER

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The Criminal Original Petition has been filed to quash the First Information Report in Crime No.375 of 2022 on the file of the first respondent Police.

2. The case of the prosecution is that due to previous motive, on 25.10.2022 the accused persons abused the defacto complainant with filthy language and assaulted her and his family members. 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 respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.375 of 2022, dated 25.10.2022 for the offences under Sections 294(b), 323 IPC and Section 4 of TNPHW Act against the petitioners.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the



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dispute amicably among themselves.

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5. A Joint Memo of Compromise, dated 24.07.2024, 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 and the second respondent were also present in person before this Court and they were identified by Mr.D.Kumaravel, SSI, Thazhamuthunagar North Police Station, Thoothukudi District, 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, 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 294(b), 323 IPC and Section 4 of TNPHW Act.

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



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(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.375 of 2022, 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.375 of 2022, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

19.12.2024

NCC : Yes / No
Index : Yes / No
PNM



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To

1.The Inspector of Police,
Thazhamuthu Nagar Police Station,
Thoothukudi District,
Crime No.375 of 2022.

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



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M.NIRMAL KUMAR, J.

PNM

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