



Crl.O.P.(MD)No.13337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13337 of 2024
and
Crl.M.P.(MD)No.8272 of 2024

1.M.Somasundaram
2.M.Tamilarasi

... Petitioners

Vs.

1.The State rep. by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.313 of 2024)

2.M.Naga Rathinam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S.,
to call for the First Information Report in connection with Crime No.313
of 2024 on the file of the Inspector of Police, Batlagundu Police Station,
Dindigul District and quash the same as illegal and devoid of merits.

For Petitioners : Mr.C.Prithviraj

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

For R2 : Mr.K.C.Maniyarasu



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ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.313 of 2024 dated 11.07.2024 pending on the file of the first respondent.

2. The case of the prosecution is that that there existed some dispute between the petitioners and the second respondent and that on 10.07.2024, the first petitioner in a drunken mode threatened the second respondent with dire consequences and abused her in filthy language and assaulted the second respondent and her daughter Deepa. Hence, the second respondent 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 and on that basis, FIR came to be registered in Crime No.313 of 2024 dated 11.07.2024 for the offences under Sections 296(b), 115(2), 118(1) and 351(3) BNS, 2023 and Section 4 of TN Prohibition of Harassment of



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Women Act, 2002 against the petitioners.

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4. The case is still under the investigation. 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 23.07.2024 has been filed before this Court which have been signed by the petitioners, the second respondent and the injured person, namely, minor Deepa and also by their respective counsel. The petitioners, the second respondent and the injured person were also present in person before this Court and they were identified by Mr.R.Ravi, Special Sub Inspector, Batlagundu Police Station, Dindigul 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



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matter, the High Court has power to quash the complaint for the offences under Sections 296(b), 115(2), 118(1) and 351(3) BNS, 2023 and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Panjab and another* reported in *(2012)10 SCC 303* and *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraath* 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.313 of 2024 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.313 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 23.07.2024 shall form part and parcel of this order.



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Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

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



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K.MURALI SHANKAR,J.

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Order made in
Crl.O.P.(MD)No.13337 of 2024
and
Crl.M.P.(MD)No.8272 of 2024

Dated: 05.09.2024