



Crl.O.P.(MD)No.13329 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.13329 of 2024

and

Crl.M.P.(MD)No.8256 of 2024

1.S.Moorthy

2.M.Nagarathinam

3.Shiva @ Shiva Balaji

4.M.Deepa

... Petitioners

Vs.

1.The State rep. by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.314 of 2024)

2.M.Tamilarasi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records relating to the impugned order First Information Report in connection with Crime No.314 of 2024 on the file of the Inspector of Police, Batlagundu Police Station, Dindigul District and consequently quash the same on the ground of compromise forthwith.



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For Petitioners : Mr.K.C.Maniyarasu
For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R2 : Mr.C.Prithiviraj

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.314 of 2024 dated 11.07.2024 pending on the file of the first respondent.

2. The case of the prosecution is that on 10.07.2024 at about 05.30 p.m., the petitioners had trespassed into the second respondent's house and assaulted her and her son and abused them in filthy language. 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.314 of 2024 dated 11.07.2024 for the offences under Sections 329(4), 296(b), 115(2),



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118(1) and 351(3) BNS, 2023 and Section 4 of TN Prohibition of Harassment of Women Act, 2002 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 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, Somasundaram 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



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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 329(4), 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 Gujrath*** 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.314 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.314 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise



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memo dated 23.07.2024 shall form part and parcel of this order.

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Consequently, connected Miscellaneous Petition is closed.

05.09.2024

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.13329 of 2024
and
Crl.M.P.(MD)No.8256 of 2024

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