



Crl.O.P.(MD)No.13177 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13177 of 2024
and
Crl.M.P.(MD)No.8093 of 2024

1.Shanmugaraja

2.Ajankumar

3.Abilan

4.Manojkumar @ Madasamy

5.Gomathi

6.Lakshmi

... Petitioners

Vs.

1.State through
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(Crime No.335 of 2024)

2.Aravindh

... Respondents



Crl.O.P.(MD)No.13177 of 2024

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the Crime No.335 of 2024 dated 26.07.2024 on the file of first respondent police and quash the same.

For Petitioner : Mr.S.Ramasamy
For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R2 : Mr.S.Vishnuvardhan

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.335 of 2024 dated 26.07.2024 pending on the file of the first respondent.

2. The case of the prosecution is that there existed some dispute between the petitioners/accused 1 to 6 and the second respondent/defacto complainant and that on 25.07.2024 at about 07.30 p.m., when the second respondent and his wife and brother were standing near a community hall, the petitioners came there and abused them in filthy language and assaulted them and also threatened them with dire consequences. Hence, the second respondent lodged a complaint.



Crl.O.P.(MD)No.13177 of 2024

WEB COPY

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.335 of 2024 dated 26.07.2024 for the offences under Sections 189(2), 296(b), 115(2) and 351(3) BNS 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 13.08.2024 has been filed before this Court which have 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.M.Muthupandi, Special Sub Inspector, Seevalaperi Police Station 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.



Crl.O.P.(MD)No.13177 of 2024

WEB COPY

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 189(2), 296(b), 115(2) and 351(3) BNS.

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.335 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.335 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise



Crl.O.P.(MD)No.13177 of 2024

memo dated 13.08.2024 shall form part and parcel of this order.

WEB COPY

Consequently, connected Miscellaneous Petition is closed.

21.08.2024

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

To

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



WEB COPY



Crl.O.P.(MD)No.13177 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.13177 of 2024
and
Crl.M.P.(MD)No.8093 of 2024

Dated: 21.08.2024