



Crl.O.P.(MD)No.13301 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13301 of 2024
and
Crl.M.P.(MD)No.8210 of 2024

1.Padmanathan @ Padmanapan

2.Arunkumar

3.Piruthiviraj

... Petitioners

Vs.

1.State rep by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.

2.Sundararajan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the proceedings in Crime No.13 of 2024 on the file of the first respondent police and quash the same as far as petitioner is concerned.



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For Petitioners : Mr.J.Senthil Kumaraiah
For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R2 : Mr.K.Dinesh

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.13 of 2024 dated 18.01.2024 pending on the file of the first respondent.

2. The case of the prosecution is that on 18.01.2024, the second respondent/defacto complainant had attempted to survey his property and at that time, the petitioners/accused 1 to 3 trespassed into his land and thrown away the boundary stone and when the same was questioned by the second respondent, the petitioners attacked him and abused him in filthy language and also threatened him with dire consequences. 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



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respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.13 of 2024 dated 18.01.2024 for the offences under Sections 294(b), 323, 324 and 506(2) IPC 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 12.08.2024 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.S.Antony Raj, Special Sub Inspector, Amathur Police Station, Virudhunagar 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.



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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, 324 and 506(2) IPC.

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.13 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.13 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise



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memo dated 12.08.2024 shall form part and parcel of this order.

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Consequently, connected Miscellaneous Petition is closed.

16.08.2024

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

To

- 1.The Inspector of Police,
Amathur Police Station,
Virudhunagar 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.13301 of 2024
and
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Dated: 16.08.2024