



Crl.O.P.(MD)No.13322 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13322 of 2024

Ayyavoo @ Dhanaseelan

... Petitioner

Vs.

1.The State rep. by
The Sub Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.
(Crime No.484 of 2022)

2.Suvindhar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S.,
to call for the records relating to the case in Crime No.484 of 2022
pending on the file of the first respondent police and quash the same.

For Petitioner : Mr.P.Gunasekaran

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

For R2 : Mr.A.Mohamed Ashfalk



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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.484 of 2022 dated 09.05.2022 pending on the file of the first respondent.

2. The case of the prosecution is that on 08.05.2022. the second respondent, who is working as a home guard, was in duty on account of a cultural programme and at that time, the petitioner caused nuisance to the other spectators by dancing and when the same was questioned by the second respondent, the petitioner abused him in filthy language and also attacked him. Hence, the second respondent lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.484 of 2022 dated 09.05.2022 for the offences under Sections 294(b), 332 and 506(2) IPC against the petitioner.



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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 08.08.2024 has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.J.Thangappa, Sub Inspector, Pattukkottai 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.

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), 332 and 506(2) IPC.

7. The legal position expressed by the Hon'ble Apex Court in the



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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.484 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.484 of 2022 on the file of the first respondent police, is quashed against the petitioner and the terms of joint compromise memo dated 08.08.2024 shall form part and parcel of this order.

01.10.2024

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



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WEB COPY To

- 1.The Sub Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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