



Crl.O.P.(MD)No.14628 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.14628 of 2024 and
Crl.M.P(MD).No.9123 of 2024

1.Abdulrahuman
2.Syedali

... Petitioners

Vs.

1. The State of of Tamil
rep. by the Inspector of Police
Thenkasi Police Station
Tenkasi District.

2. Mohamedshik

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records culminating into a criminal case in impugned
FIR.No.347 of 2010 pending on the file of the 1st respondent police and
quash the same.

For Petitioners : Mr. Dinesh Hari Sudarsan M.

For R1 : Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side) \

For R2 : Mr.V.Karthikeyan



Crl.O.P.(MD)No.14628 of 2024

ORDER

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The Criminal Original Petition has been filed to quash the First Information Report in Crime No.347 of 2018 on the file of the first respondent Police.

2. The case of the prosecution is that on 29.06.2018 the first petitioner purchased a mobile phone from the 2nd respondent's shop. Since the said mobile was defective, the 1st petitioner herein went to the shop and questioned the 2nd respondent / defacto complainant and at that time, there was a wordy quarrel arose between them. While so, the petitioners herein have attacked the defacto complainant by using soda bottle and also abused him in filthy language. Hence this present case.

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 Police and on that basis, F.I.R. came to be registered in Crime No.347 of 2018, dated 30.06.2018 for the offences under Sections 294(b), 323, 324 and 506(ii) IPC against the petitioners.



Crl.O.P.(MD)No.14628 of 2024

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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 02.10.2024, has been filed before this Court, which has 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 the first respondent Police 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), 323, 324 and 506(ii) IPC.

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



Crl.O.P.(MD)No.14628 of 2024

WEB COPY

case of *Gian Singh vs. State of Punjab and another* reported in *(2012)10 SCC 303* and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* 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.347 of 2018, 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.347 of 2018, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 02.10.2024, shall form part and parcel of this order. Consequently, the connected Miscellaneous Petition is closed.

07.11.2024

NCC : Yes / No
Index : Yes / No
trp



Crl.O.P.(MD)No.14628 of 2024

WEB COPY To

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



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Crl.O.P.(MD)No.14628 of 2024

M.NIRMAL KUMAR, J.

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Crl.O.P.(MD)No.14628 of 2024 and
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07.11.2024