



Crl.O.P.(MD)No.13597 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13597 of 2024
and
Crl.M.P.(MD)No.8428 of 2024

V.Marikani

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No.123 of 2024)

2.Moorthy

3.Mariyammal
*(R3 is impleaded as per order of the Court dated
24.09.2024 in Crl.MP(MD)No.9603 of 2024 in
Crl.OP(MD)No.13597 of 2024)*

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records relating to FIR in Crime No.123 of 2024 dated 27.04.2024, on the file of the Inspector of Police, Rajapalayam North Police Station, Virudhunagar District and quash the same as against the petitioner.



Crl.O.P.(MD)No.13597 of 2024

WEB COPY

For Petitioner : Mr.D.Rajaboopathy
For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R2 & R3 : Mr.P.Balamurugan

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.123 of 2024 dated 27.04.2024 pending on the file of the first respondent.

2. The case of the prosecution is that on 27.04.2024 at about 07.45 a.m., when the second respondent was riding his auto near Muniyandi Temple, the petitioner, who had driven a TNSTC bus in a rash and negligent manner, had dashed against the second respondent's auto and thereby caused injuries to the respondents 2 and 3. 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



Crl.O.P.(MD)No.13597 of 2024

basis, FIR came to be registered in Crime No.123 of 2024 dated 27.04.2024 for the offences under Sections 279, 307 and 323 IPC against the petitioner.

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 14.10.2024 has been filed before this Court which have been signed by the petitioner and the respondents 2 and 3 and also by their respective counsel. The petitioner and the respondents 2 and 3 were also present in person before this Court and they were identified by Mr.Subash Chandra Bose, Special Sub Inspector, Rajapalayam North 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



Crl.O.P.(MD)No.13597 of 2024

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 279, 307 and 323 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 Gujraath* 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.123 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.123 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 14.10.2024 shall form part and parcel of this order.



Crl.O.P.(MD)No.13597 of 2024

Consequently, connected Miscellaneous Petition is closed.

WEB COPY

17.10.2024

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

To

- 1.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.13597 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.13597 of 2024
and
Crl.M.P.(MD)No.8428 of 2024

Dated: 17.10.2024