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CrI.O.P.(MD)No.13950 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.13950 of 2024

- 1.Vinoth @ Vinothkumar
- 2.Tamilmani
- 3.Murugan
- 4.Sambath
- 5.Saravanan
- 6.Kannan @ Muthukaruppiah
- 7.Selvam @ Selvakumar
- 8.Chitan @ Sithanathan
- 9.Ajay @ Muthu
- 10.Gayathiri
- 11.Pushpavalli
- 12.Mahalakshmi
- 13.Parameshwari
- 14.Janaki

: Petitioners/A1 to A7, 9, 10, 12 to 16

Vs.

- 1.The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.195 of 2024.



3.Arun

4.Dhanasekar

5.Senthil @ Senthilkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the FIR in Crime No.195 of 2024, dated 27.07.2024 on the file of the second respondent police and quash the same.

For Petitioners : Mr.B.Santhanam Rajeshkumar

For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
for R1 & R2.

: Mr.R.V.Ramesh, for R3.

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders, to call for the records relating to the FIR in Crime No.195 of 2024, dated 27.07.2024 on the file of the second respondent police and quash the same.

2. The case of the prosecution is that on 19.04.2024, the defacto complainant's father went to the polling booth situated at Sivagangai for casting vote, at that time there arose some wordy quarrel between the petitioners and defacto complainant's father, due to which, the petitioners



abused the defacto complainant's father in filthy language by using caste name and also threatened him with dire consequences. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.195 of 2024 for the offences under Sections 143, 341, 294(b), 324, 506(ii) IPC and Sections 3(1)(r), 3(1)(s) of SCT/ST (POA) Act 2015, 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 02.09.2024 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 Ms.Pandiyammal, SSI, Thiruppuvanam Police Station,



Sivagangai 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.

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 143, 341, 294(b), 324, 506(ii) IPC and Sections 3(1)(r), 3(1)(s) of SCT/ST (POA) Act 2015.

7.The defacto complainant/third respondent has also filed an affidavit stating that he has not received any compensation from the Government till now regarding Crime No.195 of 2024.

8. 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.



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9. 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.195 of 2024 pending before the second respondent police, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.195 of 2024 on the file of the second respondent police, is quashed and the terms of joint compromise memo dated 02.09.2024 shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Deputy Superintendent of Police,
Manamadurai, Sivagangai District.
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)No.13950 of 2024

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.13950 of 2024

Dated: 03.09.2024