



Crl.O.P.(MD)No.13939 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

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1.R.Sundarraaj @ Sathish

2.G.Sangaiah

3.S.Hariraman @ Hariram

4.M.Surya

5.N.Surya

... Petitioners/A1 to R5

Vs.

1.The Inspector of Police,
Koodakovil Police Station,
Madurai District.
Crime No.105/2024.

2.P.Athinarayanan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crime No.105 of 2024, dated 29.07.2024 pending on the file of the first respondent police and quash the same as far as petitioners are concerned.

For Petitioners : Mr.S.Sivaprakash



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

For R2 : Mr.S.Azhagumalai

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.105 of 2024, dated 29.07.2024 on the file of the first respondent police and quash the same as far as petitioners are concerned.

2. The case of the prosecution is that on 27.07.2024, due to previous enmity between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant and abused him in filthy language 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 second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.105 of 2024 dated



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27.07.2024 for the offences under Sections 296(b), 351(3) and 49 of BNS against the petitioners.

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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 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.R.Jeyaraman, SSI, Koodakovil Police Station, Madurai Distric 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 296(b), 351(3) and 49 of BNS.



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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.105 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.105 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

09.09.2024

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



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To

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



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K.MURALI SHANKAR,J.

das

Order made in
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