



Crl.O.P.(MD)No.14000 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14000 of 2024

A.Sundara Pandi

... Petitioner

Vs.

1.The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai.
(In Crime No.478 of 2019)

2.M.Karthick Raja

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the entire records in relating to the case in S.C.No.55 of 2023 on the file of the learned III Additional Sub Court, Madurai and quash the same.

For Petitioner : Mr.N.Thamimul Ansari

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

For R2 : Mr.G.D.Manikandan



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 BNSS, seeking orders to call for the records pertaining to the proceedings in S.C.No.55 of 2023 on the file of the III Additional Sub Court, Madurai and quash the same as against the petitioner.

2.The case of the prosecution is that there is a previous enmity between the petitioner and the second respondent's father, due to which, the petitioner abused him in filthy language and also attacked him with iron rod and hence, the second respondent lodged a complaint.

3.The learned counsel appearing for the petitioner would submit that on the basis of the complaint lodged by the second respondent, FIR came to be registered in Crime No.478 of 2019 dated 13.10.2019 and after investigation and filing of the final report, the same was taken cognizance in S.C.No.55 of 2023 on the file of the III Additional Sub Court, Madurai, for the offences under Sections 294(b), 307 and 326 IPC against the petitioner.



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4.The case is under trial. 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 petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by Mr.S.Jeeva, Sub Inspector of Police, Nagamalai Pudukkottai Police Station, Madurai 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 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), 307 and 326 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



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(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 S.C.No.55 of 2023 pending before the III Additional Sub Court, Madurai, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.55 of 2023, on the file of the III Additional Sub Court, Madurai, is quashed and the joint compromise memo shall form part and parcel of this order.

10.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The III Additional Sub Court, Madurai
- 2.The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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