



Crl.O.P.(MD)No.16184 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16184 of 2024

N.Rajeshkumar @ Rajesh

... Petitioner

Vs.

1.The Sub Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Crime No.1304 of 2020)

2.Ganeshamoorthi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned FIR in Crime No.1304 of 2020 on the file of the Orathanadu Police Station, Thanjavur/1st respondent and to quash the same.

For Petitioner : Mr.B.Naren Kumar

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

For R2 : M/s.R.Nithya



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to quash FIR in Crime No.1304 of 2020 on the file of the Orathanadu Police Station, Thanjavur/1st respondent.

2.The case of the prosecution is that the second respondent is a Government Assistant Veterinary Doctor and currently working in Veterinary Pharmacy at Kelaiyur, that he had conducted a vaccination camp for komari disease on 25.06.2020 at Orathanadu, in the presence of local Panchayat Leader, that in the said camp, for the purpose of identifying the cows, they were pierced with button on the ears, that the petitioner herein was also present for vaccination for his cows, that he refused to pierce the ears of his cows, which leads wordy quarrel and that the petitioner abused the second respondent in filthy language and restrained him from doing his duty and hence, the second respondent preferred a complaint.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second



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respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.1304 of 2020 dated 20.06.2016 for the offences under Sections 294(b) and 353 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 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.G.Senthilkumar, Special Sub Inspector of Police-1765, Orathanadu 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.



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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) and 353 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.1304 of 2020 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.1304 of 2020 on the file of the



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

21.10.2024

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

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



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K.MURALI SHANKAR,J.

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