



Crl.O.P.(MD)No.14755 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14755 of 2024

1.Mayilsamy

2.M.Sathya @ Sathyabama

3.David @ Janarthanan

4.Kathir @ Kathirvel

5.Siva @ Sivakumar

... Petitioners

Vs.

1.The State of Tamilnadu rep by
The Inspector of Police,
Kallimandiyam Police Station,
Dindigul District.
(Crime No.199 of 2018)

2.Senthilkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S.,
to call for the records of the impugned FIR in Crime No.199 of 2018 on
the file of the first respondent police dated 29.12.2018 and quash the
same as illegal.



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For Petitioners : Mr.R.Maheswaran
For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R2 : Mr.C.Susikumar

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.199 of 2018 dated 29.12.2018 pending on the file of the first respondent.

2. The case of the prosecution is that there existed money dispute between the petitioners and the second respondent and that on 27.12.2018, the petitioners went to the house of the second respondent, assaulted him, abused him in filthy language and caused criminal intimidation and also damaged the door of the second respondent's house.

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.199 of 2018 dated



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29.12.2018 for the offences under Sections 147, 294(b), 323, 355, 427 and 506(1) IPC 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 29.08.2024 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 Mr.V.Kumaresan, Special Sub Inspector, Kallimandiyam Police Station, Dindigul 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, it is a money dispute 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



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147, 294(b), 323, 355, 427 and 506(1) IPC.
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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.199 of 2018 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.199 of 2018 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 29.08.2024 shall form part and parcel of this order.

18.09.2024

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



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To

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



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K.MURALI SHANKAR,J.

csn

Order made in
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