



Crl.O.P.(MD)No.14723 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.14723 of 2024

Vennila

... Petitioner

Vs.

1. The Inspector of Police
Thiruvermbur Police Station
Trichy District

2.Chandrasekar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the First Information Report in Crime No.100 of 2024 dated 09.03.2024 on the file of the first respondent police and quash the same as against the petitioner's concern

For Petitioner : Mr.C.Susikumar

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

For R2 : Mr.R. Maheswaran



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.100 of 2024 on the file of the first respondent Police.

2. The case projected as against the petitioner is that the defacto complainant is the husband of the petitioner and they were married in the year 2009 and they were blessed with two children and they lived happily till 2012. Thereafter their relationship got estranged. The blood brother of the second respondent Gunasekaran passed away and his wife is also no more. The second respondent brought up his brother's children namely Banupriya and Geethapriya and said Banupriya was married one Ramesh and the second respondent alone arranged the marriage and incurred all the expenses. Now the said Banupriya and her husband are living separately. The second respondent used to visit the house of Banupriya often and hence there was some dispute in the family and Banupriya was kept away from the second respondent. On 08.03.2024 when the second respondent was consuming liquor in the tasmac shop he was brutally assaulted and attacked by four persons and



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got serious injuries. The second respondent suspected that the petitioner is the cause for attack hence included the name of the petitioner in the complaint. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.100 of 2024, for the offences under Sections 147,148,109,294(b), 324 and 506(ii) of IPC against the petitioner.

4. When the matter is taken up for hearing today, the petitioner, defacto complainant and one of their child is also present. On interrogation the defacto complainant told that he later realized that his wife is not connected with the incident taken place on 08.03.2024 and now they have reconciled their dispute between them and now living happily as husband and wife with their two children. In view of the same, the defacto complainant has come forward to withdraw the case against his wife/petitioner(A8) alone.



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5. The learned Additional Public Prosecutor submitted that he has no objection on the compromise entered between the petitioner/A8 and the defacto complainant. They are husband and wife and the investigation will not stand in their family life. His only apprehension is that if this petition is allowed it will have the bearing on the investigation with regard to the other accused. He would on instructions submitted that the investigation officer has taken note of the compromise and he would take appropriate steps at the time of filing final report in this case by deleting the name of the petitioner by considering the compromise.

6. 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.

7. A Joint Memo of Compromise, dated 12.07.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the



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second respondent were also present in person before this Court and they were identified by Mr.Arunkumar, SI of Police, Thiruvermbur Police Station, Trichy 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.

8. 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 147,148,109,294(b), 324 and 506(ii) of IPC.

9. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in ***(2017) 9 SCC 641*** were taken into consideration.

10. 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.100 of 2024, pending before the



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first respondent Police, even though, the offences involved are not compoundable in nature.

11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.100 of 2024, on the file of the first respondent Police, is quashed in so far as the petitioner alone and the terms of joint compromise memo dated 12.07.2024, shall form part and parcel of this order. However it is made clear while the respondent police filing charge sheet shall take into consideration the compromise filed by the defacto complainant and file the final report by deleting the name of the petitioner. This order will not stand in the way of the respondent police in continuing the investigation and prosecuting against the other accused.

12.11.2024

NCC : Yes / No

Index : Yes / No

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



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M.NIRMAL KUMAR, J.

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