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Crl.O.P.(MD)No.14722 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14722 of 2024

1.Vikki @ Vigneshwaran

2.Vettri @ Vetrivel

3.Ganesh @ Alagu Ganesh
A3.

: Petitioners 1 to 3/A1 to

4.Mathan Kumar

:4th Petitioner/Accused
Rank not known.

Vs.

1.State rep by
The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
Crime No.47 of 2024.

2.Bosekaruppaiya

: 2nd Respondent/Defacto Complainant

3.Shankar

:3rd Respondent/Victim

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the relating to the Crime No.47 of 2024, dated 02.08.2024 on the file of the first respondent police and quash the same as illegal.



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For Petitioners : Mr.P.Suresh,

For Respondents : Mr.P.Kottai Chamy
Government Advocate (CrI. Side) for R1.

: Mr.R.Vinoth, for R2 & R3.

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.47 of 2024, dated 02.08.2024 on the file of the first respondent police

2. The case of the prosecution is that on 02.08.2024 at about 03.30 pm, the defacto complainant and his friend namely Sankar were drinking tea in a tea shop, at that time, the petitioners went to the shop and attacked the said Sankar and also abused the defcto complainant and also kidnapped him in their two-wheeler and took him to nearby the Eucalyptus Farm at Devakottai Bye-pass Road and attacked him with wooden log and caused injuries. 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



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to be registered in Crime No.47 of 2024, dated 02.08.2024 for the offences under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 140(3) of BNS 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 has been filed before this Court which have been signed by the petitioners and the private respondents and also by their respective counsel. The petitioners and the private respondents were also present in person before this Court and they were identified by Mr.H.Balan, HC 193, Alagappapuram Police Station, Sivagangai 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, 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 191(2), 191(3), 296(b), 115(2), 118(1) and 140(3) 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.47 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.47 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.

23.10.2024

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



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To

- 1.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai 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
Crl.O.P.(MD)No.14722 of 2024

Dated: 23.10.2024