



Crl.O.P.(MD)No.14904 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14904 of 2024

- 1.Subramanian @ Manikandan
 - 2.K.Natarajadurai
 - 3.Muthuganesh
Rep.by his father Pitchiah
 - 4.M.Santhosh
Rep.by his father Manikandan
 - 5.Madasamy
 - 6.Murugan @ Manikandan
Rep.by his father Bala Subramanian
 - 7.Esakki Durai
Rep.by his father Subramanian
- ... Petitioners

Vs.

- 1.The Deputy Superintendent of Police,
Cheranmahadevi, Tirunelveli District.
- 2.The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
(In Crime No.345 of 2024)



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WEB CO 3.B.Karthick

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crime No.345 of 2024 dated 05.08.2024 pending on the file of the second respondent police and quash the same as illegal against the petitioners.

For Petitioners : Mr.S.Sivaprakash

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (CrI. Side)

For R3 : Mr.R.Boopathi

ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the First Information Report in Crime No.345 of 2024 on the file of the second respondent police and quash the same as illegal against the petitioners.

2.The case of the prosecution is that the defacto complainant and one Vasanthi were well known each other and they are belonging to different community, that after joining college, there was no



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communication between them, that on 05.08.2024, when the defacto complainant was returning to his house from the college, the accused persons, who are all relatives of the said Vasanthi, abused the defacto complainant, in filthy words using his caste name, tried to attack him with aruval and also threatened him with dire consequences and hence, the defacto complainant preferred a complaint.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.345 of 2024 dated 20.06.2016 for the offences under Sections 126(2), 296(b), 109(1), 351(3) BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 against the petitioners.

4.The learned counsel appearing for the third respondent would submit that the third respondent has not received any compensation from the Government.



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5.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.

6.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by Mr.Ajith, Special Sub Inspector, Cheranmahadevi Police Station, Tirunelveli 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.

7.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 126(2), 296(b), 109(1), 351(3) BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.



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8.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.

9. 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.345 of 2024 pending before the second respondent police, even though, the offences involved are not compoundable in nature.

10.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.345 of 2024 on the file of the second respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

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To

- 1.The Deputy Superintendent of Police,
Cheranmahadevi, Tirunelveli District.
- 2.The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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