



CrI.O.P.(MD)No.14986 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

CrI.O.P.(MD)No.14986 of 2024

- 1.R.Rajasekar
- 2.Muthu kumar
- 3.Solairajan @ Balamurugan
- 4.Joseph Antony Doss
- 5.Murugesan
- 6.Vaikal Venkatesh @ Venkateswaran
- 7.Sakthikumar
- 8.R.Pandeeshwaran ... Petitioners

Vs.

- 1.The Inspector of Police,  
E5-Mattuthavani Police Station,  
Madurai City.  
(Crime No.548 of 2024)
- 2.Karuppaiya ... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS,  
to call for the records of FIR in Cr.No.548 of 2024 dated 24.07.2024 on



Crl.O.P.(MD)No.14986 of 2024

the file of the first respondent, E5-Mattuthavani Police Station, Madurai District and quash the same on the basis of the compromise entered between the petitioners and the second respondent.

For Petitioners : Mr.K.Rajiv Gandhi  
For R1 : Mr.P.Kottai Chamy  
Government Advocate (Crl. Side)  
For R2 : Mr.Manikandan

### **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.548 of 2024 on the file of the first respondent police and quash the same as illegal against the petitioners.

2.The case of the prosecution is that the second respondent herein is working as Driver in a private Omni bus at Mattuthavani, that the accused persons herein have tied him, abused and assaulted him, that they have also taken videograph of the occurrence and circulated same in the Social Media and that after seeing the video in the news channel, the



CrI.O.P.(MD)No.14986 of 2024

WEB COPY

Special Sub Inspector of Police, attached to the first respondent's Police Station, has lodged the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that on the basis of the complaint lodged by the Special Sub Inspector of Police attached to the first respondent's Police Station, FIR came to be registered in Crime No.548 of 2024 dated 24.07.2024 for the offences under Sections 191(2), 294(b), 127(2), 131 and 351(3) 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 second respondent/victim and also by their respective counsel. The petitioners and the second respondent/victim were also present in person before this Court and they were identified by Mr.S.Nathar Oli, Special Sub Inspector of Police, E5-Mattuthavani Police Station, Madurai City as well as by the



CrI.O.P.(MD)No.14986 of 2024

WEB COPY

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), 294(b), 127(2), 131 and 351(3) BNS.

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.548 of 2024 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



CrI.O.P.(MD)No.14986 of 2024

WEB COPY

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.548 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.

**25.09.2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

gns

To

1. The Inspector of Police,  
E5-Mattuthavani Police Station,  
Madurai City.

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



CrI.O.P.(MD)No.14986 of 2024

**K.MURALI SHANKAR,J.**

gns

CrI.O.P.(MD)No.14986 of 2024

25.09.2024