



Crl.O.P.(MD)No.15028 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.15028 of 2024

1.Satheesh
2.Nagamugesh

... Petitioners/A1 and A2

Vs.

1.The State of Tamil Nadu
Rep. by The Inspector of Police,
Keeraidurai Police Station,
Madurai City.
(Crime No.162 of 2024)

... 1st Respondent/Complainant

2.Mani

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records in Crime No.162 of 2024 on the file of the
respondent police and quash the same as against the petitioner.

For Petitioners : Mr.S.Muniyandi

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

For R2 : M/s.M.Deepajothi



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ORDER

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The Criminal Original Petition is filed to quash the F.I.R. in Crime No.162 of 2024, pending on the file of the first respondent Police.

2.The case of the prosecution is that on 04.04.2024, at about 09.30 a.m., when the defacto complainant and his sister waiting to fetch water, the petitioners came there, abused the defacto complainant in filthy language and attacked him with knife and also threatened him with dire consequences. Hence, the second respondent / de-facto complainant lodged a 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 Police and on that basis, F.I.R. came to be registered in Crime No.162 of 2024 for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC against the petitioners.



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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 13.09.2024, has been filed before this Court, which has 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.M.Ravichandran, B4 Keeraidurai Police Station, Madurai City 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 294(b), 323, 324 and 506(ii) of 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 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.

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.162 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.162 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 13.09.2024, shall form part and parcel of this order.

06.11.2024

NCC : Yes / No
Index : Yes / No
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WEB COPY To

- 1.The Inspector of Police,
Keeraidurai Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

sjj

Order made in
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