



Crl.O.P.(MD)No.16379 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16379 of 2024
and Crl.M.P.(MD)No.10307 of 2024

1.Selvaraj
2.Prakash
3.Arumugam
4.Ananth @ Ananth Babu ... Petitioners

Vs.

1.The Sub Inspector of Police,
Vellanur Police Station,
Pudukkottai District.
(In Crime No.194 of 2023)

2.Thiyagarajan ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records of First Information Report in Cr.No.194 of 2023 dated 10.10.2023 on the file of the first respondent Police and quash the same as illegal and devoid of merits.

For Petitioners	: Mr.N.Palaniyandi
For R1	: Mr.P.Kottaichamy, Government Advocate (Crl. Side)
For R2	: Mr.J.Prabhu



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ORDER

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This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the First Information Report in Crime No.194 of 2023 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 when the defacto complainant and his daughter returned to home from work, the accused persons abused him in filthy words using him caste name and also assaulted him and hence, the defacto complainant has 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 and on that basis, FIR came to be registered in Crime No.194 of 2023 dated 20.06.2016 for the offences under Sections 294(b), 323, 355 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 against the petitioners.



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4.The learned counsel appearing for the second respondent would submit that the second respondent has not received any compensation from the Government and he has filed an affidavit in this regard.

5.The learned counsel appearing for the petitioners would submit that A1 and A3 shown in FIR are the same persons shown in the cause title and the same was accepted by the learned Government Advocate(Crl.side) appearing for the first respondent.

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 has been filed before this Court which have 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.N.Shanmugam, Special Sub Inspector, Vellanur Police Station, as well as by the learned counsels appearing for the parties. This



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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, 294(b), 323 and 324 IPC.

9.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 Gujraath* 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.194 of 2023 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.194 of 2023 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. Consequently, connected miscellaneous petition is closed.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Sub Inspector of Police,
Vellanur Police Station,
Pudukkottai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

gns

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