



Crl.O.P.(MD)No.15692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.15692 of 2024

1.Ashok Kumar
2.Soundar Rajan
3.Rasu
4.Santhosam

... Petitioners

Vs.

1. The Inspector of Police
Kallakudi Police Station,
Lalgudi Taluk, Trichy District.
(Crime No.239 of 2023)

2. Shanmuga Priya

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crime No.239 of 2023, pending in the file of the first respondent namely the Inspector of Police, Kallakudi Police Station, Kallakudi, Lalgudi Taluk, Trichy District and quash the same.

For Petitioners : Mr.V.Raja

For R1 : Mr.K.Sanjai Gandhi

Government Advocate(Crl.Side)

For R2 : Mr.G.Manikandan



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.239 of 2023, on the file of the first respondent Police.

2. The case of the prosecution is that the de-facto complainant is the wife of the first petitioner and other petitioners are the close relatives of the first petitioner. The marriage between the de-facto complainant and the first petitioner was solemnized in the year 2017. They had no issues and hence, there were wordy quarrels occasionally between them and hence, the 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.239 of 2023, dated 26.11.2023 for the offences under Sections 294(b) and 323 of IPC against the petitioners.



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4. The case is still under the investigation. By passage of time, the husband and wife reunited and the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise, dated 10.09.2024, 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.Panneerselvam, SSI of Police, Kallakudi Police Station, Trichy 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 294(b) and 323 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.239 of 2023, 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.239 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 10.09.2024, shall form part and parcel of this order.

19.11.2024

NCC : Yes / No
Index : Yes / No
MR



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To

1. The Inspector of Police
Kallakudi Police Station,
Lalgudi Taluk, Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

MR

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