



*Crl.O.P.(MD)No.15948 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM

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

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1.Velsamy @ Velusamy

2.Pappa @ Padmavathi

3.Immanuvel @ Saravanan

4.Samuthiram

5.Vijaya

... Petitioners

Vs.

1.The State of Tamilnadu rep. by  
The Inspector of Police,  
Sivagiri Police Station,  
Tenkasi District.  
(Crime No.163 of 2023)

2.Jothilakshmi

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records of the FIR in Crime No.163 of 2023 dated 16.05.2023 on the file of the first respondent police and to quash the same as against the petitioners.



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For Petitioners : Mr.D.Rameshkumar  
For R1 : Mr.P.Kottai Chamy  
Government Advocate (Crl. Side)  
For R2 : Mr.K.Dinesh

### **ORDER**

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.163 of 2023 dated 16.05.2023 pending on the file of the first respondent.

2. The case of the prosecution is that there existed previous enmity between the parties and that the petitioners had assembled unlawfully and assaulted the second respondent and abused her in filthy language. Hence, the second respondent 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.163 of 2023 dated 16.05.2023 for the offences under Sections 147, 448, 294(b), 323 and



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509 IPC 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 dated 10.09.2024 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.Selva Krishnan, Special Sub Inspector, Sivagiri Police Station, 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 147, 448, 294(b), 323 and 509 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 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.163 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.163 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.

**17.10.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
csm



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To

- 1.The Inspector of Police,  
Sivagiri Police Station,  
Tenkasi District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

csn

Order made in  
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