



Crl.O.P.(MD)No.15957 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15957 of 2024

Suresh

... Petitioner/Sole Accused

Vs.

1.State rep by

The Inspector of Police,
Andipatti Police Station,
Theni District.
Crime No.483 of 2023.

2.M.Selvam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the proceedings in Crime No.483 of 2023 on the file of the Inspector of Police, Andipatti Police Station, Theni District and quash the same as against the petitioner.

For Petitioner : Mr.M.Jegadeesh Pandian,

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

For R2 : Mr.T.Sugadev.



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ORDER

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The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.483 of 2023 pending on the file of the first respondent police.

2. The case of the prosecution is that the defacto complainant is running oil mill in the name and style of Sri Thiruppathi; that due to previous enmity between the petitioner and the defacto complainant, on 16.12.2023 at about 07.15 pm, when the defacto complainant and his employees Nagaraj, Prema and Kavitha were working in the Mill, the petitioner had driven his Car in a rash and negligent manner, and abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.483 of 2023 dated 31.12.2023 for the offences under Sections 447, 294(b), 506(ii) IPC against the petitioner.



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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 has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.E.Gopal Samy, SSI, Andipatti Police Station, Theni 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 447, 294(b), 506(ii) 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.483 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.483 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.

16.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

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



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K.MURALI SHANKAR,J.

das

Order made in
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