



Crl.O.P.(MD)No.16870 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16870 of 2024

1.Bharath Kumar
2.Sathish Kumar
3.Prasanna Kumar

... Petitioners

Vs.

1.The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
(Crime No.53 of 2022)

2.Balasubramanian

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the impugned FIR in Crime No.53 of 2022 on the file of the first respondent and quash the same as illegal so far as the petitioners are concerned.

For Petitioners : Mr.V.Vishnu

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R2 : Mr.P.Ranjith Kumar



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ORDER

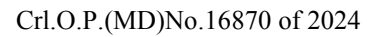
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This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the First Information Report in Crime No.53 of 2022 on the file of the first respondent police and quash the same as illegal against the petitioners.

2.The case of the prosecution is that the first petitioner herein has misbehaved with the defacto complainant's son and when the same was questioned by the defacto complainant, the accused persons abused him in filthy language and also attacked him and hence, the defacto complainant preferred 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.53 of 2022 for the offences under Sections 147, 294(b) and 324 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.



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, 294(b) and 324 IPC.

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.



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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.53 of 2022 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.53 of 2022 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.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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



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K.MURALI SHANKAR,J.

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