



Crl.O.P.(MD)No.19071 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19071 of 2024

- 1.Sonaimuthu
- 2.Chuzhiyan @ Chinnabagan
- 3.Anbazhagan
- 4.A.Malaisamy
- 5.P.Malaichamy
- 6.Ilayaraja
- 7.Thanuskodi
- 8.Panjaiya
- 9.Kannan
- 10.K.Malaisamy
- 11.Palaniyadi
- 12.Rajendran
- 13.Selvaraj
- 14.Athiyaman
- 15.Saravanan @ Karuppaiah

... Petitioners

Vs.

- 1.State of Tamil Nadu through,
The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
(Crime No.43 of 2018)

- 2.Ponramu

... Respondents



Crl.O.P.(MD)No.19071 of 2024

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the F.I.R. in Crime No.43 of 2018, dated 07.04.2018, on the file of the first respondent Police and quash the same.

For Petitioners : Mr.A.Vadivel

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R2 : Mr.M.Madhavan

ORDER

The Criminal Original Petition has been filed invoking Section 528 B.N.S.S., 2023, seeking orders to quash the F.I.R. in Crime No.43 of 2018, dated 07.04.2018, pending on the file of the first respondent Police.

2. The case of the prosecution is that on 07.04.2018, the second respondent/de-facto complainant, along with others, jointly organized the Valandu Karuppasamy Temple festival. The festival is held once every three or four years, and it commenced on 04.04.2018. On 06.04.2018, the petitioners stopped a drama performance that was part of the festival. Following this incident, on 07.04.2018, around 06.00 p.m., Raman, Lakshmanan, and Nallathambi, who had returned home after finishing



Crl.O.P.(MD)No.19071 of 2024

their daily work, were attacked by the petitioners with deadly weapons.

The petitioners also pelted stones at others, including the de-facto complainant. Further, the petitioners entered the house of one Bose, ransacked household items, damaged roof tiles, and used filthy language to abuse the women present in the scene of occurrence. They also threw stones at the house. Hence, the second respondent / 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.43 of 2018, dated 07.04.2018, for the offences under Sections 147, 148, 341, 323, 294(b), 336, 448, 307 and 506(ii) of I.P.C. and Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, against the petitioners.



Crl.O.P.(MD)No.19071 of 2024

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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, dated 05.10.2024, 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.Sureshababu, Head Constable, M.Chatrapatti Police Station, Madurai 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 147, 148, 341, 323, 294(b), 336, 448, 307 and 506(ii) of I.P.C. and Section 3 of the Tamil Nadu Property (Prevention of Damage



Crl.O.P.(MD)No.19071 of 2024

and Loss) Act, 1992 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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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.43 of 2018, 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.43 of 2018, on the file of the



Crl.O.P.(MD)No.19071 of 2024

first respondent Police, is quashed and the terms of joint compromise memo dated 05.10.2024, shall form part and parcel of this order.

06.11.2024

NCC : Yes / No
Index : Yes / No
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To

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



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Crl.O.P.(MD)No.19071 of 2024

M.NIRMAL KUMAR, J.

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Order made in
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