



Crl.O.P.(MD)No.16909 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.16909 of 2024

Satheesh

... Petitioner

Vs.

1. The Inspector of Police
Vadasery Police Station
Kanyakumari District

2. Chandrakalatharan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, call for the records relating to the FIR in Crime No.145 of 2024 dated 25.05.2024 on the file of the first respondent, The Inspector of Police, Vadasery police station, kanyakumari district and quash the same as against the petitioner.

For Petitioner : Mr.P.Saravanakumar

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

For R2 : Mr.S.Prasanth



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.145 of 2024 dated 25.05.2024 on the file of the first respondent.

2. The case of the prosecution is that on 25.05.2024 at about 6.30 a.m., while the complainant was going to Palaiyaaru with his son at that time the petitioner in this case intercepted the defacto-complainant and asked for the money from his pocket. When the petitioner pointed and threatened with a knife to kill him, the defacto-complainant took out money of Rs.230/- from his shirt pocket and also he made noise. At that time one Ganesan saw and shouted, hence the Petitioner threatened them with a knife and left the said spot. On the basis of the defacto-complainant's complaint, the a case has been registered.

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 Police and



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on that basis, F.I.R. came to be registered in Crime No.145 of 2024, for the offences under Sections 294(b), 323,387 and 506(ii) of IPC against the petitioner.

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 11.07.2024, has been filed before this Court, which has 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.S.Vysekumar, Special Sub Inspector of Police, Vadasery 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.



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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), 323,387 and 506(ii) of IPC.

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.145 of 2024 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.145 of 2024, on the file of the



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first respondent Police, is quashed and the terms of joint compromise memo dated 11.07.2024, shall form part and parcel of this order.

18.12.2024

NCC : Yes / No
Index : Yes / No
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To

1. The Inspector of Police
Vadasery Police Station
Kanyakumari District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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