



Crl.O.P.(MD)No.20195 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20195 of 2024

1. Petchimuthu @ Pechimuthu

2. Manokaran @ Manoharan

... Petitioners

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Sattankulam Police Station,
Thoothukudi District.
Crime No.172 of 2023.

2. Chithampara Devar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in S.C.No.210 of 2024, on the file of the Sub Court, Tiruchendur, and quash the same as against the petitioners.

For Petitioners : Mr.R.Ponkarthikeyan

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

For R2 : Mr.A.Mohan



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in S.C.No.210 of 2024, on the file of the Sub Court, Tiruchendur, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that due to previous enmity, on 02.10.2023 at about 09.45p.m., the accused persons came to the house of the LW1 in their Mahendira Jeep with aruval and abused him in filthy language and damaged the Car rear door mirror and also damaged the water tank and also issued life threat. Based on the complaint given by the defacto complaint/R2, the said case has been registered against the accused persons.

3. The counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.172 of 2023, after investigation, final report filed, the same taken cognizance in S.C.No.210 of 2024, on the



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file of the Sub Court, Tiruchendur, for the offences under Sections 447, 294(b), 506(2) IPC and 3 of TNPPDL Act. against the petitioners.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves, for the reason, sudden wordy quarrel lead to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.Edwin, Sathankulam Police Station, Thoothukudi District, as well as by the counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.



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6. In the instant case, the occurrence took place out of previous enmity and now the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 447, 294(b), 506(2) IPC and 3 of TNPPDL Act.

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 S.C.No.210 of 2024 as against the petitioners pending before the Sub Court, Tiruchendur, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.210 of 2024, on the file of the Sub Court, Tiruchendur, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
PNM

25.11.2024

To

1.The Sub Court, Tiruchendur

2.The Inspector of Police,
Sattankulam Police Station,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

Order in
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