



Crl.O.P.(MD)No.16689 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.16689 of 2024

and

CRL MP(MD)No.10473 of 2024

- 1.Abuthair @ Mohamed Abuthahir
- 2.Nasir Hussain @ Nazeer Ussain
- 3.Syed Abuthahir @ Syed Abdhaheer
- 4.Umar Ali
- 5.Mahatheer
- 6.Nowpil Jaffar @ Nowfil Jafeer
- 7.Faisal Azar
- 8.Rasul Kani
- 9.Broshkhan @ Mohamed Puroskhan
- 10.Abupakkar @ Abubacker Sithik
11. Jaheesh @ Syed Jahirudheen
- 12.Mohamed Kanife @ Mohamed Hanifa
- 13.Imran Khan
- 14.Mohamed Jaffer Irfan
- 15.Mohamed Mukther
- 16.Absar Mugasin @ Afsar Mugasin
- 17.Mohamed Iqbal
- 18.Farook Ali @ Fooruk Ali
- 19.Mohamed Jameer

... Petitioners / A1 to A4,
A6, A7, A9 to A11,
A13, A14, A16 to A23

Vs.

- 1.State rep.through
The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District
(In Crime No.128/2024)

... 1st Respondent /
Complainant

- 2.Kala

... 2nd Respondent /
Defacto complainant



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records of IFR in Crime No.128 of 2024, dated 26.05.2024, on the file of the Respondent No.1 Police Station and quash the same as against the petitioners as illegal.

For Petitioner : Mr.SMA.Jinnah

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

For R2 : Mr.T.Veerakumar

ORDER

The petitioners / / A1 to A4, A6, A7, A9 to A11, A13, A14, A16 to A23 in Crime No.128 of 2024, for the offence under Sections 143, 341, 294(b), 427, 323, 324, 379, 506(i) and 109 of IPC., and Section 4 of Prohibition of Harassment of Women Act, 2002, has filed this Criminal Original Petition, seeking to quash the proceedings in Crime No.128 of 2024, on the file of 1st respondent Police. In this case there are totally 23 named and other unnamed accused.



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2. The case of the prosecution is that on 26.05.2024, the defacto complainant gone to ear-boring ceremony on his brother-in-law's daughter along with his brother Neethi Devan and his son and daughter. After attending function, they were returning at about 12.10 p.m., when they were near the Tea Shop in the Bus Stand, one Abudthair, the husband of Anandur Panchayat President, his son and family members and others joined together, assaulted the defacto complainant, her brother and others for the the reason that the defacto complainant and her family members are objecting and questioning the authority of the defacto complainant's administration of the Panchayat and for certain decisions taken. They were assaulted brutally, caused damaged to the vehicle and also snatched away the defacto complainant's gold chain. Thereafter, the defacto complainant and others got admitted in hospital, took treatment and on the complaint of the defacto complainant, the above case has been registered.

3. Mr.SMA Jinnah, the learned counsel appearing for the petitioner would submit that the petitioners and some of the accused in the Crime No.128 of 2024 filed an anticipatory bail application in Crl.O.P(MD)Nos.10383 and 10387 of 2024, at that



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time, this Court finding that the dispute in the village and further continuation of the case would affect the peace in the village and further the villagers are to meet with each other on daily basis and they are independent, requested Mr.Lajapathi Roy, learned Senior Counsel to mediate and reconcile the issue. The petitioners filed an affidavit and they are ready to give compensation of Rs. 4,00,000/- to the defacto complainant for the damages caused. This Court in its order dated 14.08.2024, recorded the same and also further given liberty to the victims as well as the defacto complainant in Crime No.128/2024 and Crime No.122/2024 and Crime No.19 of 2024 pending on the file of the respective Police Station to file quash application on compromise. Pursuant to that, the petitioners and the defacto complainant arrived at consensus, resolved the issue and the defacto complainant filed an affidavit and supporting affidavit having no objection to quash the case in Crime No.128 of 2024. He further submitted that similar quash applications have been filed based on compromise arrived at between the accused and the defacto complainant in Crl.O.P.No. 22342 of 2024 and Crl.O.P.No.22343 of 2024 before this Court.

4. Mr.K.Sanjai Gandhi, the learned Government Advocate (crl.side) would submit that it is an dispute in the Village with



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7. In the instant case, the parties have compromised the dispute between themselves. Since the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 143, 341, 294(b), 427, 323, 324, 379, 506(i) and 109 of IPC., and Section 4 of Prohibition of Harassment of Women Act, 2002.

8. 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.

9. 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.128 of 2024, on the file of 1st respondent Police, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.128 of 2024, on the file of 1st



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respondent Police, is quashed as against the petitioners and the Joint Compromise Memo, dated 18.12.2024, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

20.12.2024

NCC : Yes / No
Index : Yes / No
smn2 / mpk

To

- 1.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.16689 of 2024

Dated: 20.12.2024