



Crl.O.P.(MD)No.17044 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.17044 of 2024
and Crl.M.P(MD) No.10703 of 2024

Rajamanickam

... Petitioner

Vs

1. The State Rep by
Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
Cr.No.166/2024..

2. Santhiyadevi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to FIR in Crime No.166/2024, dated 08.07.2024 on the file of the 1st respondent and quash the same.

For Petitioner : Mr. G.Hari Haran,

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

M/s. R.Raja Ganapathy (R2)



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.166 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that on 07.07.2024, the accused person drove the vehicle bearing registration No. TN 42 E 7493 in a rash and negligent manner and dashed the vehicle of the deceased, thereby, he died at the spot. Hence this present case lodged by the defacto complainant, who is the wife of the deceased.

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 on that basis, F.I.R. came to be registered in Crime No.166 of 2024, for the offences under Section 281, 106 of BNS Act 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



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dispute amicably among themselves.

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5. A Joint Memo of Compromise, dated 18.10.2024, 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.M.Mani Murugan, SSI of Police, T.Kallupatti Police Station, Madurai 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. The defacto complainant has also received the compensation amount from the petitioner.

6. In the instant case, the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Section 281, 106 of BNS Act.



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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.166 of 2024, pending before the first respondent Police, even though, the offence involved is not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.166 of 2024, 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. Consequently, connected miscellaneous petition is closed.

20.12.2024

NCC : Yes / No



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Index : Yes / No

PNM

To

1.The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
Cr.No.166/2024.

2.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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20.12.2024