



Crl.O.P.(MD)No.17162 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Praveen @ Praveenkumar
2.Karan
3.Sakthivel
4.Gogul @ Gokul
5.PRabakar @ Prabhakaran

... Petitioners

Vs.

1.The State of Tamil Nadu
rep., by its, The Inspector of Police,
Vathalai Police Station,
Trichy District.
Crime No.161 of 2024

2.Vijyakaumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the entire records pertaining to the case in Crime No.161 of
2023 on the file of the first respondent and quash the same.

For Petitioners	: Mr.M.Yesudasan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate(Crl.Side) \
For R2	: Mr.N.Balasubramanian



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.161 of 2023 on the file of the first respondent Police.

2. The case of the prosecution is that when the defacto complainant and his family members were praying their deity, the accused persons came in a rash and negligent manner in their motorcycles and when the same was questioned by the defacto complainant's son, there was some quarrel between them. Due to this, on 23.10.2023 at about 09.00 am., the accused persons abused the defacto complainant's son and also assaulted him, thereby he sustained injury. Hence this present case.

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.161 of 2023,



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dated 23.10.2023 for the offences under Sections 147, 148, 294(b), 324 and 506(2) of IPC against the petitioners.

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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 24.10.2024, 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.V.Karthick, SI of Police, Vathalai Police Station, Trichy 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, 294(b), 324 and 506(2) of IPC.



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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.161 of 2023, 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.161 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 24.10.2024, shall form part and parcel of this order.

27.11.2024

NCC : Yes / No
Index : Yes / No
Rmk



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To
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- 1.The Inspector of Police,
Vathalai Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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