



Crl.O.P.(MD)No.17416 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17416 of 2024
and Crl.M.P.(MD)No.10786 of 2024

1.Chella Durai
2.Jaya Kumar

... Petitioners

Vs.

1.The Inspector of Police,
Sellur Police Station,
Sellur, Madurai District.
(Cr.No.863 of 2024)

2.Velsamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the First Information Report in Cr. No.863 of 2024 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.K.Kaleeswaran

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R2 : Mr.R.Murali



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ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the First Information Report in Crime No.863 of 2024 on the file of the first respondent police and quash the same as illegal against the petitioners.

2.The case of the prosecution is that there was a money transaction between the petitioners and the defacto complainant, that the accused persons threatened the defacto complainant to give back the money, which was already paid by him and assaulted him and hence, the defacto complainant has lodged a complaint.

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 and on that basis, FIR came to be registered in Crime No.863 of 2024 for the offences under Sections 137(2), 296(b), 115(2), 351(3) BNS 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 has been filed before this Court which have 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 the Special Sub Inspector, Sellur 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.

6.In the instant case, it is a money dispute 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 137(2), 296(b), 115(2), 351(3) BNS.

7.The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in



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(2012)10 SCC 303 and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath**) 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.863 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.863 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.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- To
- 1.The Inspector of Police,
Sellur Police Station,
Sellur, Madurai District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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