



Crl.O.P.(MD)No.16474 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16474 of 2024

Rama Raj Kumar

: Petitioner/Sole Accused

Vs.

1.State of Tamil Nadu rep.by
The Inspector of Police,
Vilakuthoon Police Station,
Madurai City.
Crime No.40 of 2024.

2.Harshan Singh

3.Laxman Singh (minor)

... Respondents

(3rd respondent represented by the second respondent/
father of the third respondent/natural guardian)

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records in connection with Crime No.40 of 2024 on the file
of the first respondent police and quash the same.

For Petitioner : Mr.S.Poornachandran,

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



Crl.O.P.(MD)No.16474 of 2024

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For R2

: Mr.S.Vijayakumar.

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.40 of 2024 pending on the file of the first respondent police.

2.Admittedly, the second respondent is the father of the third respondent.

3. The case of the prosecution is that the defacto complainant is running a troy shop; that the third respondent has contacted one Sakshi on Instagram and when the same was questioned by the petitioner, who is the brother of the said Sakshi, there arose some dispute between the petitioner and the third respondent, due to which, the petitioner assaulted the third respondent and threatened with dire consequences. Hence, the complaint.

4. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second



Crl.O.P.(MD)No.16474 of 2024

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respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.40 of 2024 dated 30.01.2024 for the offences under Sections 448, 323 IPC and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 against the petitioner.

5. 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.

6. A Joint Memo of Compromise dated 02.09.2024 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 Mr.R.Vengatasalapathi, SSI, Vilakuthoon Police Station, Madurai City, 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.



Crl.O.P.(MD)No.16474 of 2024

WEB COPY

7. 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 448, 323 IPC and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

8. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** 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.40 of 2024 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD)No.16474 of 2024

WEB COPY

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.40 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 02.09.2024 shall form part and parcel of this order.

23.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Inspector of Police,
Vilakuthoon Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.16474 of 2024

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.16474 of 2024

Dated: 23.10.2024