



**Crl.O.P.(MD) No.18119 of 2024**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 05.11.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

**Crl.O.P.(MD)No.18119 of 2024**

**and**

**Crl.M.P.(MD) No.11239 of 2024**

H.Prabhakaran @ Prabakaran

... Petitioner

-VS-

1.State of Tamil Nadu,  
Rep. by its Inspector of Police,  
Ammayanaickanur Police Station,  
Dindigul District.  
(Crime No.235 of 2024)

2.Ramesh

... Respondents

Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to call for the records pertaining to the case registered in First Information Report in Crime No.235 of 2024, on the file of the first respondent, and quash the same as illegal as far as the petitioner is concerned.



**Crl.O.P.(MD) No.18119 of 2024**

WEB COPY

For Petitioner : Ms.K.Gandhiammal  
For R1 : Mr.K.Sanjai Gandhi  
Government Advocate (Criminal side)  
For R2 : Ms.L.Juliet Caroline

**ORDER**

This Criminal Original Petition is filed to quash the First Information Report in Crime No.235 of 2024, for the offences under Sections 281 and 125(a) of the Bharatiya Nyaya Sanhita, 2023, on the file of the first respondent Police.

2. The case of the prosecution is that on 25.08.2024, the second respondent / de-facto complainant conducted Ear Piercing Ceremony at his house for his son Lokesh Prabhu, aged about 13 years. At that time, the petitioner, who had come from Tiruvarur to attend the function, took the Bajaj Pulsar motorcycle bearing Registration No.TN-57-CV-3988, without the knowledge of the second respondent / de-facto complainant and went along with the de-facto complainant's son and drove the vehicle in a rash and negligent manner and dashed against the Skoda car bearing Registration No.TN-59-CT-6767 coming from Madurai to Dindigul Road, near Mavurdam Junction. As a result of which, the de-facto complainant's son sustained injuries on his left leg and head and the petitioner



**CrI.O.P.(MD) No.18119 of 2024**

WEB COPY

also sustained injury on his left leg. Initially, they were admitted in T.Vadipatti Government Hospital and thereafter, shifted to Government Rajaji Hospital, Madurai, for further treatment.

3. The contention of the learned counsel for the petitioner is that the incident was a road accident, and that the de-facto complainant, who is a relative of the petitioner, got offended and, in a moment of impulsiveness, lodged the complaint. On enquiry, the de-facto complainant came to know that the accident was not on the fault of the petitioner, but was caused by the driver of the Skoda car bearing registration No. TN-59-CT-6767. Considering the fact that both the petitioner and the de facto complainant's son recovered from their injuries, and taking into account the petitioner's young age, occupation, and the nature of their relationship, the de-facto complainant has now come forward to withdraw the complaint and compound the offence.

4. The learned counsel for the petitioner submitted that the parties have settled the issue among themselves and the issue is amicably settled between them. A compromise memo is also filed.



**Crl.O.P.(MD) No.18119 of 2024**

WEB COPY

5. The learned Additional Public Prosecutor for the first respondent submitted that the petitioner, who was a minor at the relevant point of time, took the two wheeler of the de-facto complainant without permission and rode it in a rash and negligent manner, along with the de-facto complainant's son. Both sustained injuries in the accident, but fortunately, both survived. The de-facto complainant, whose son was injured on the auspicious day, became agitated and lodged a complaint, however, he has now agreed to withdraw it.

6. Today, when the matter is taken up for hearing, a Memo of Compromise, dated 21.10.2024, produced before this Court. The petitioner, the Sub-Inspector of Police, Ammayanayakanur Police Station Mr.V.Sivaraja and the second respondent/de-facto complainant all present in person before this Court, identity of persons confirmed by the Sub-Inspector of Police.

7. Considering the above submissions, and finding that the petitioner was aged about 17 years at the time of the accident, and that the de-facto complainant, who is a relative of the petitioner, was initially offended due to his son sustaining injuries on an auspicious day, but later realized that the accident



**CrI.O.P.(MD) No.18119 of 2024**

was not solely the fault of the petitioner, and taking into account their relationship, I am of the view that this is a fit case as per the judgment of the Hon'ble Supreme Court of India in **Gian Singh vs. State of Punjab and another** reported in **2012 (10) SCC 303**, to exercise the power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and to quash the same.

8. Accordingly, this Criminal Original Petition is allowed. The case in Crime No.235 of 2024, on the file of the first respondent Police, stands quashed. The Memorandum of Compromise shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No  
Index : Yes / No  
smn2

**05.11.2024**

To:-

- 1.The Inspector of Police,  
Ammayanaickanur Police Station,  
Dindigul District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



**CrI.O.P.(MD) No.18119 of 2024**

**M.NIRMAL KUMAR, J.**

smn2

**CrI.O.P.(MD)No.18119 of 2024**  
**and**  
**CrI.M.P.(MD) No.11239 of 2024**

**05.11.2024**