



Crl.O.P.(MD)No.16712 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16712 of 2024

1.K.Maharani

2.M.Veeramallakkal @ Mallakkal

... Petitioners

Vs.

1.The Sub-Inspector of Police,
Mallaankinaru Police Station,
Viruthunagar District.
(Crime No.129 of 2024)

2.S.Cellammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the impugned FIR in Crime No.129 of 2024 dated 29.07.2024 on the file of the first respondent police and quash the same.

For Petitioners : Mr.V.Balasundarakumar

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

For R2 : Mr.M.Munnamalai



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the First Information Report in Crime No.129 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 due to previous enmity, the accused persons abused the defacto complainant in filthy language and also assaulted her and hence, the defacto complainant 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.129 of 2024 dated 29.07.2024 for the offences under Sections 296(b), 115(2) BNS against the petitioners. He would further submit that the second accused Suresh had died on 23.04.2018.



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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 Mr.V.Ashokkumar, Sub Inspector of Police, Mallaankinaru 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, 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 296(b), 115(2) 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.129 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.129 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.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- To
- 1.The Sub-Inspector of Police,
Mallaankinaru Police Station,
Viruthunagar 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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