



Crl.O.P.(MD)No.16714 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.16714 of 2024

1. Kaliyaraj
2. Sanjay
3. Gokul @ Gokulnathan ... Petitioners

Vs.

1. The Inspector of Police
Thirukaatupalli Police Station
Thanjavur District

2. Varatharajan ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned FIR in Crime No.178 of 2024 dated 15.04.2024 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.M.Sridharan

For R1 : Mr.A.Thiruvaikumar
Additional Public Prosecutor

For R2 : Mr.Kishore Kumar



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.178 of 2024 dated 15.04.2024 on the file of the first respondent Police.

2. The case of the prosecution is that on 15.04.2024 at about 1.45 p.m., at Kaliasman Kovil turning of Pavalamangalam Village, Budalur Taluk, Thanjavur District, the Petitioners/Accused caught hold of his son's shirt and beaten him by abusing him in filthy language and the defacto complainant having heard of the said incident and went to the occurrence spot and questioned the petitioners regarding attack, but the petitioners abused the defacto complainant in filthy language and beaten him by hand and using rough stone in his chest and sustained simple injury when the defacto complainant nephew tried to pacify them, they attacked him also with hand and criminally intimidated the defacto complainant. 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



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respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.178 of 2024 dated 15.04.2024 for the offences under Sections 294(b), 323,336 and 506(i) of IPC against the petitioners.

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 18.10.2024, 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.A.Baladhandayutham, SSI of Police, Thirukattupalli Police Station, Thanjavur 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.



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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 294(b), 323,336 and 506(i) of IPC.

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.178 of 2024 dated 15.04.2024, 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.178 of 2024 dated 15.04.2024, on the file of the first respondent Police, is quashed and the terms of



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joint compromise memo dated 18.10.2024, shall form part and parcel of this order.

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NCC : Yes / No
Index : Yes / No
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To

1. The Inspector of Police
Thirukaatupalli Police Station
Thanjavur District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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