



Crl.O.P.(MD)No.17946 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.17946 of 2024

and

Crl.M.P.(MD)No.11082 of 2024

- 1.Syed Ibrahim
- 2.Palkish @ Valkeeshammal
- 3.Ameenammal
- 4.Maina @ Mathina
- 5.Satham Usen
- 6.Sahul Hameed
- 7.Ahamed @ Ahmed Thambi
- 8.Arafath @ Mohamed Arafath
- 9.Jagubar Sathik
- 10.Syed Mohamed Bhugari

... Petitioners

Vs.

- 1.The State of Tamil Nadu, Rep by,
The Inspector of Police,
Manmelkudi Police Station,
Pudukottai District.
(Crime No.52 of 2022)

- 2.Mohamed Ismail

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for records pertaining to Crime No.52 of 2022, dated



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31.08.2022, on the file of the Manamelkudi Police Station, Pudukottai District, and quash the same.

For Petitioners : Ms.N.Safiya

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R2 : Mr.D.S.Haroon Rasheed

ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the F.I.R. in Crime No.52 of 2022, dated 05.03.2022, pending on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent/de-facto complainant, runs a mobile phone business under the name 'Star Mobile' at Ammapattinam. On 05.03.2022, at about 04:30 p.m., while the de-facto complainant was filling a pit near his house, A1, Syed Ibrahim, took some construction material. The de-facto complainant objected to the same. Further, there had been previous enmity between the two families, dating back 1 ½ years. Due to this ongoing conflict, all the



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accused gathered together, assaulted the de-facto complainant using weapons, and threatened him with dire consequences. Hence, the de-facto 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 Police and on that basis, F.I.R. came to be registered in Crime No.52 of 2022, dated 05.03.2022, for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C. 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 02.09.2024, 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.N.Dhanuskodi, Special Sub-Inspector of



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Police, Manmelkudi Police Station, Pudukottai 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.

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 147, 148, 294(b), 323, 324 and 506(ii) of I.P.C.

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.52 of 2022, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.52 of 2022, 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. Consequently, connected Miscellaneous Petition is closed.

05.12.2024

NCC : Yes / No

(1/2)

Index : Yes / No

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To

- 1.The Inspector of Police,
Manmelkudi Police Station,
Pudukottai 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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Order made in
Crl.O.P.(MD)No.17946 of 2024

Dated: 05.12.2024
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