



*Crl.O.P.(MD)No.18139 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.18139 of 2024

1.Arulselvan  
2.Prakash  
3.Sivaguhan  
4.Balaji

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep by,  
The Inspector of Police,  
S.S.Kottai Police Station,  
Sivagangai District.  
(Crime No.51 of 2024)

2.Thirusenthilnathan

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for records relating to the F.I.R. in Crime No.51 of 2024, dated 28.04.2024, on the file of the first respondent Police and quash the same.

For Petitioners : Mr.V.Devakumar

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



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For R2

: Ms.D.Oviya

**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.51 of 2024, dated 28.04.2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that on 27.04.2024, at about 10:00 a.m., the second respondent (de-facto complainant), along with his friends, went to see the Korati Manchuviratu. During this time, a verbal altercation occurred between the second respondent and one Dhanush. Afterwards, the second respondent returned home. Then, the said Dhanush stared at the second respondent, but the second respondent ignored him. Later, on same day, at about 08:00 p.m., when the second respondent was returning home, the petitioners allegedly stopped him, used abusive language, assaulted him, causing injuries to his head and back, and threatened him with dire consequences. As a result, the second respondent filed a complaint.



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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.51 of 2024, dated 28.04.2024, for the offences under Sections 341, 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 30.10.2024, 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.N.Murugesan, Special Sub-Inspector of Police, S.S.Kottai Police Station, Sivagangai 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 341, 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.51 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.51 of 2024, on the file of the



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first respondent Police, is quashed and the terms of joint compromise memo dated 30.10.2024, shall form part and parcel of this order.

**06.11.2024**

NCC : Yes / No  
Index : Yes / No  
smn2

To

- 1.The Inspector of Police,  
S.S.Kottai Police Station,  
Sivagangai 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.18139 of 2024

Dated: 06.11.2024