



Crl.O.P.(MD)No.16994 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16994 of 2024

Thiru Neelakanda Nainar

... Petitioner

Vs.

1.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
Crime No.519 of 2024

2.Sivasankaran

3.Ayyanar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining in Cr.No.519 of 2024 on the file of the first respondent/ Palayamkottai Police Station, Tirunelveli City and quash the same as illegal against these petitioner.

For Petitioner : Mr.K.M.Karunakaran

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

For R2 & R3 : M/s.A.Banumathy



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ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the First Information Report in Crime No.519 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 there was a dispute between the petitioner and the defacto complainant in the funeral with regard to the bursting of crackers, due to which, the petitioner abused the defacto complainant in filthy language and also attacked him as well as the third respondent and hence, the defacto complainant has lodged a complaint.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.519 of 2024 for the offences under Sections 296(b), 115(2) BNS against the petitioner.

4.The case is still under the investigation. By passage of time, the



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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 petitioner and the respondents 2 & 3 and also by their respective counsel. The petitioner and the respondents 2 & 3 were also present in person before this Court and they were identified by Mr.U.Mahadevan, Special Sub Inspector, Palayamkottai 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 ***(2012)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of***



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Gujrath) reported in **(2017)9 SCC 641** were taken into consideration.

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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.519 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.519 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.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns



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- To
- 1.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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