



Crl.O.P.(MD)No.17436 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17436 of 2024

Jegan

... Petitioner

Vs.

1.The Sub Inspector of Police,
Authoor Police Station,
Thoothukudi District.
(Crime No.127 of 2024)

2.Jermila

3.Tinsha

4.Francisco

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned FIR in Crime No.127 of 2024 dated 05.07.2024 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.S.Rajesh Kanna

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

For R2 to R4 : M/s.Deepamathi



CrI.O.P.(MD)No.17436 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the First Information Report in Crime No.127 of 2024 on the file of the first respondent police and quash the same as illegal against the petitioner.

2.The case of the prosecution is that there existed a civil dispute between the parties, due to which, the petitioner abused the second respondent in filthy language and attacked her and the respondents 3 and 4 and hence, the second respondent had 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.127 of 2024 for the offences under Sections 296(b), 118(1) and 351(3) BNS against the petitioner.



CrI.O.P.(MD)No.17436 of 2024

WEB COPY

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 petitioner and the respondents 2 to 4 and also by their respective counsel. The petitioner and the respondents 2 to 4 were also present in person before this Court and they were identified by Mr.B.Murali, Sub Inspector of Police, Authoor Police Station, Thoothukudi 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 civil 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), 118(1) and 351(3) BNS.



CrI.O.P.(MD)No.17436 of 2024

WEB COPY

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 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.127 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.127 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.

22.10.2024

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



CrI.O.P.(MD)No.17436 of 2024

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- 1.The Sub Inspector of Police,
Authoor Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.17436 of 2024

K.MURALI SHANKAR,J.

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