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Crl.O.P.(MD)No.17459 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17459 of 2024
and Crl.M.P.(MD)No.10822 of 2024

1.Mageshwarakumar
2.Mathankumar
3.Magendrakumar

... Petitioners

Vs.

1.The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District.
(Crime No.298 of 2024)

2.Kalaiyarasi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records in connection with the case in Crime No.298 of 2024 on the file of the first respondent and quash the same as illegal as against these petitioners.

For Petitioners : Mr.M.Solaisamy

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

For R2 : Mr.R.Vignesh



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 BNSS seeking orders to call for the records pertaining to the First Information Report in Crime No.298 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 on 25.09.2024, when the second respondent was watching the procession of the pongal festival, he noticed that the first petitioner herein was attending the ceremony by wearing chappals in his feet and the same was questioned by him, due to which, there arose a quarrel between them, that the accused have abused the defacto complainant in filthy language and also assaulted him and hence, the defacto complainant 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 and on that basis, FIR came to be registered in Crime No.298 of 2024 for the offences under Sections 296(b), 115(2), 351(3) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 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 has been filed before this Court which have 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.L.Sivasubramanian, Special Sub Inspector, Muthiahpuram 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), 351(3) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 .



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 Gujraath* 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.298 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.298 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. Consequently, connected miscellaneous petition is closed.

25.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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



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K.MURALI SHANKAR,J.

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