



Crl.O.P.(MD)No.18141 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.18141 of 2024

1.Thirusenthilnathan
2.Aathi
3.Muthalagu

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep by,
The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
(Crime No.52 of 2024)

2.Prakash

... 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.52 of 2024, dated 29.04.2024, on the file of the first respondent Police and quash the same.

For Petitioners : Ms.D.Oviya

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



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For R2

: Mr.V.Devakumar

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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 2024, dated 29.04.2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that on 27.04.2024, at about 06:30 p.m., when the second respondent (de-facto complainant), along with his friends, Arul and Guhan were standing near a Mosque in their Village, the first petitioner drove a KTM two-wheeler, bearing Registration No.TN-63-BR-5684, in a rash and negligent manner and dashed against the second respondent's two-wheeler. When the same was questioned by the second respondent, the petitioners attacked the second respondent using an iron rod, abused him in filthy language and also threatened him with dire consequences. Hence, the second respondent 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



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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 2024, dated 29.04.2024, for the offences under Sections 279, 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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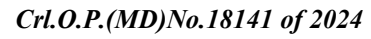
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6. In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 279, 341, 294(b), 323, 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.52 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.52 of 2024, on the file of the



06.11.2024

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.

smn2

Order made in
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