

Crl.O.P.(MD)No.17981 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.17981 of 2024

1. Mariappan
2. Udhayamoorthy @ Udhaya
3. Vengatesan @ Venkatasubramanian

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.396 of 2024.

2. Balaji

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to Crime No.396/2024 on the file of the 1st respondent and quash the same.

For Petitioners : Mr. N.Mohan

For Respondents : Mr.A.Thiruvadi Kumar (R1)
Additional Public Prosecutor
Mr.V.Sitharanjan (R2)



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.396 of 2024, pending on the file of the 1st respondent Police.

2. The case of the prosecution is that on 07.09.2024, at about 06.30 p.m., the accused persons assaulted the defacto complainant/R2 and caused injuries. Thereafter, the 2nd respondent lodged a complaint, based on which, a case in Crime No.396 of 2024, for offence under Sections 296(b), 118(1), 115(2) and 351(3) of BNS Act, was registered against the petitioners.

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.396 of 2024, for the offences under Sections 296(b), 118(1), 115(2) and 351(3) of BNS Act against the petitioners and others.



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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. Further, it is a case and case in counter.

5. A Joint Memo of Compromise, dated 11.12.2024, 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 Ms.B.Pandiammal, WSSI of Police, Thiruppuvanam 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), 118(1), 115(2) and 351(3) of BNS Act.



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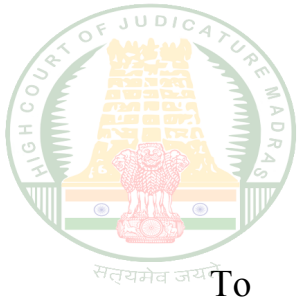
7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in ***(2017) 9 SCC 641*** were taken into consideration.

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.396 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.396 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 11.12.2024, shall form part and parcel of this order.

13.12.2024

NCC : Yes / No
Index : Yes / No
PNM



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To

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1. The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.396 of 2024

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

Order in
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