



Crl.O.P.(MD)No.17654 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17654 of 2024

1.Arumugam

2.Petchimuthu

: Petitioners/A1 & A2

Vs.

1.State of Tamil Nadu rep.by
The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
Crime No.577 of 2024.

2.Prabhakaran

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in Crime No.577 of 2024, dated 22.09.2024 pending on the file of the first respondent police and quash the same as against the petitioners.

For Petitioners : Mr.S.Sivaprakash,

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

For R2 : Mr.M.B.Sivasankar.



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ORDER

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The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.577 of 2024, dated 22.09.2024 pending on the file of the first respondent police.

2. The case of the prosecution is that on 22.09.2024, when the defacto complainant and his friend were standing near TASMACH, at that time, the petitioners/A1 and A2 came there and asked money to the defacto complainant for buying alcohol, but the defacto complainant informed them that he doesn't have money, but the first accused had taken Rs.400/- and the second accused had taken Rs.350/- from the defacto complainant's shirt pocket and escaped from that place. Hence, the 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.577 of 2024 dated 22.09.2024 for the offence under Section 306 (A) of BNS, against the petitioners.



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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.

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.K.Sankarasubramanian, SSI, V.K.Puram Police Station, Tirunelveli 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 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 offence under Section 306 (A) of 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



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(2012)10 SCC 303 and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat***) 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.577 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.577 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.

23.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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