



Crl.O.P.(MD)No.17941 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.17941 of 2024

1.Murugan

2.Babu

... Petitioners

Vs.

1.State Represented by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(Crime No.264 of 2024)

2.Narayanan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records of FIR in Crime No.264 of 2024 on the file of the first respondent and quash the same.

For Petitioners : Mr.V.Angusamy

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

For R2 : Mr.M.Balakrishnan



Crl.O.P.(MD)No.17941 of 2024

ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.264 of 2024 dated 22.06.2024 for the alleged offences under Sections 392, 397 &, 506(ii) of IPC on the file of the 1st respondent police and quash the same.

2. The case of the prosecution is that on 22.06.2024, the petitioners herein have waylaid the second respondent and tried to snatch the gold chain. When the second respondent shouted, the petitioners attacked the second respondent with Aruval. Hence, an FIR has been registered against the petitioners herein.

3. The second respondent is before this Court and he submitted that he had not lodged any complaint as against the petitioners and that his signature was obtained in blank papers, which has been projected as a complaint against the petitioners. He further submitted that no such incident was taken place as projected against the petitioners. He has also filed an affidavit dated 11.07.2024 to that effect.



Crl.O.P.(MD)No.17941 of 2024

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3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.264 of 2024, for the alleged offences under Sections 392, 397 &, 506(ii) of IPC. He further submitted that the petitioners had several prohibition cases. But the above case has been falsely foisted against them. They have not involved in the cases of similar nature.

4. The learned Government Advocate appearing for the respondent police strongly opposed for quash of the FIR stating that the petitioners are regular offenders having prohibition cases for several years. Both of them have been continuously committing offences.

4. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves and it was not a premeditated attack. Further, it is stated that the version of the second respondent has already been made before the Court, at the time of granting bail to the petitioners. In view of the aforesaid statements, this Court is of the view that the second respondent has not lodged any



Crl.O.P.(MD)No.17941 of 2024

complaint and the facts of the case is also highly doubtful. Now, both realized their mistakes, reconciled and the second respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 23.10.2024 is filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court, identified by Ms.K.Rachel Mercy, Woman Special Sub Inspector of Police, (Contact: 94981 93100) Veeravanallur Police Station, Tirunelveli District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 392, 397 &, 506(ii) of IPC.



Crl.O.P.(MD)No.17941 of 2024

WEB COPY

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*** was 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 FIR in Crime No.264 of 2024 dated 22.06.2024 as against the petitioners pending before the respondent police, even though the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.264 of 2024 dated 22.06.2024 on the file of the respondent police, is quashed as against the petitioners and the joint compromise memo dated 23.10.2024 and affidavit of the second respondent dated 11.07.2024 shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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21.11.2024



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Crl.O.P.(MD)No.17941 of 2024

M.NIRMAL KUMAR, J.

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To

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

Order made in
Crl.O.P.(MD)No.17941 of 2024

Dated:
21.11.2024