



Crl.O.P.(MD)No.17936 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17936 of 2024

1.Kajendran
2.Amirtham
3.Manikandan

... Petitioners

Vs.

1.The Inspector of Police,
Checkanurani Police Station,
Madurai District.
(Crime No.1987 of 2020)

2.Pandi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to quash FIR in Crime No.1987 of 2020 dated 11.11.2020 pending on the file of the first respondent police.

For Petitioners : Mr.S.P.Naveenkumar

For R1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

For R2 : Mr.R.Boobathi



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ORDER

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This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the First Information Report in Crime No.1987 of 2020 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 there existed a dispute between the parties with regard to the carrying water through channel to the agricultural land, due to which, the accused persons abused the defacto complainant in filthy language and also assaulted him and hence, the defacto complainant has 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.1987 of 2020 dated 20.06.2016 for the offences under Sections 294(b), 323, 506(i) IPC 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.G.Chinnamuniyandi, Sub Inspector, Checkanurani 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 civil 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 294(b), 323, 506(i) IPC.

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 3/6



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(2012)10 SCC 303 and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath**) 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.1987 of 2020 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.1987 of 2020 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.

28.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- To
- 1.The Inspector of Police,
Checkanurani Police Station,
Madurai 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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