



Crl.O.P.(MD)No.18438 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18438 of 2024

1. Kanna
2. Abubakkar Sithick
3. Mohammed Farook @ Mohammed Barik
4. Selvin Kishore
5. Nithish Durai

... Petitioners

Vs.

1. The Inspector of Police
Shanarpatti Police Station,
Dindigul.

2. Dhandapani

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the the case in Crime No.256 of 2024 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.A.Sheik Nasurdeen

For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)

For R-2 : Mr.S.Pradeep



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ORDER

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The Criminal Original Petition has been filed to quash the First Information Report in Crime No.256 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the defacto complainant operates a shop named MKT fruit shop at Gopalpatti. On 23.06.2024, the petitioners suddenly entered into the shop of the defacto complainant, ransacked it and attacked the labourers and abused them in filthy language and also threatened them with dire consequences. Hence, this present case.

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.256 of 2024, for the offences under Sections 147, 447, 427, 323, 506(i) and 379 of IPC., against the petitioners. Further, based on the counter complaint given by the first petitioner herein, F.I.R came to be registered in Crime No.257 of



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2024 for the offences under Sections 294(b), 323, 324 and 506(ii) of IPC., as against the second respondent.

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 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.P.Rajendran, SI, Shanarpatti Police Station, Dindigul, 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



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under Sections 147, 447, 427, 323, 506(i) and 379 of IPC.

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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.256 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.256 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.

NCC : Yes / No
Index : Yes / No
jbr

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To

1. The Inspector of Police
Shanarpatti Police Station,
Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

jbr

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