WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18133 of 2024

Chandru ... Petitioner/A12

Vs.

1.The State of Tamil Nadu,
rep., by the Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.471 of 2024

2.Vasakam ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records pertaining to Crime No.471 of 2024, dated 07.09.2024 on the file of the Inspector of Police, Kenikkarai Police Station, Ramanathapuram District and quash the same as against the is petitioner.

For Petitioner : Mr.K.Yasar Arafath
For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 : Mr.J.Mohamed Ibrahim

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.471 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the defacto complainant is running a grocery shop in Manjanamariyamman Kovil Street, on the date of occurrence, the accused persons assembled in front of the defacto complainant's shop and caused damage to flex and auto bearing Registration No.TN 65 AS 9396. When the same was questioned by the defacto complainant, the accused persons abused him in filthy language and also assaulted with wooden log. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.471 of 2024, for the offences under Sections 189(2), 296(b), 115(2), 118(1), 324(4) and

https://www.mhc.tn.gov.in/judis

WEB COPY

351(3) of BNS Act, 2023, against 16 accused persons including the petitioner.

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. On the side of the petitioner it is submitted that after assault was made, the petitioner fainted. One Mareespandian, who is the son of petitioner's sister, had given the name of the accused persons including the petitioner in this case. Later, the petitioner got conscious. On verification, it was found that the petitioner was not present in the scene of occurrence and he has not attacked the petitioner. The petitioner realising the same come forward to compound the offence against the petitioner/A12 alone.

6. A Joint Memo of Compromise, dated 04.11.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the

https://www.mhc.tn.gov.in/judis

WEB COPY

second respondent were also present in person before this Court and they were identified by Mr.M.Narayanasamy, SSI of Police, Kenikarai Police Station, Ramnad 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.

7. 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 189(2), 296(b), 115(2), 118(1), 324(4) and 351(3) of BNS Act, 2023.

8. 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.

https://www.mhc.tn.gov.in/judis

WEB COPY

9. 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.471 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.471 of 2024, on the file of the first respondent Police, is quashed in so far as petition is concerned and the terms of joint compromise memo dated 04.11.2024, shall form part and parcel of this order. The respondent police to proceed with the investigation with regard to the other accused persons.

13.11.2024

NCC : Yes / No
Index : Yes / No
Rmk

https://www.mhc.tn.gov.in/judis

WEB COPY

M.NIRMAL KUMAR, J.

Rmk

To

1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.

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

Order made in
Crl.O.P.(MD)No.18133 of 2024

Dated: 13.11.2024

https://www.mhc.tn.gov.in/judis