



Crl.O.P.(MD)No.19174 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19174 of 2024
and Crl.M.P(MD) Nos.4503 & 4505 of 2024

1. Panda @ Yasin @ Mohammed Yasin
2. Chenna @ Sivanesan @ Sivaneswaran
3. Selva @ Selvakumar
4. Moosin @ Muhsin Kamel
5. Jainul @ Syed Jainul Abideen
6. Aasik@ Mohammed Asick
7. Hasan @ Mohammed Hasan

... Petitioners

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Devakottai Town Police Station,
Devakottai,
Sivagangai District.
Crime No. 88 of 2023.

2. Ajithkan

... Respondents



Crl.O.P.(MD)No.19174 of 2024

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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records of the impugned charge sheet C.C No. 173 of 2023 on the file of the Judicial Magistrate court, Devakottai and quash the same as illegal.

For Petitioners : Mr.Sujeeth G

For Respondents : Mr.K.Sanjai Gandhi (R1)
Government Advocate (Crl.Side)

M/s. M.Sevanthi (R2)

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in C.C.No.173 of 2023 on the file of the Judicial Magistrate, Devakottai.

2. The case of the prosecution is that due to wordy quarrel between the parties, on 30.04.2023 at about 01.30 p.m., the accused persons abused and assaulted him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would



Crl.O.P.(MD)No.19174 of 2024

submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.88 of 2023. After investigation, a final report has been filed and the same was taken cognizance in C.C.No.173 of 2023 on the file of the Judicial Magistrate, Devakottai, for the offences under Sections 341, 147, 294(b), 323, 324, 427 and 506(ii) IPC, against the petitioners.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, for the reason that sudden wordy quarrel led to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and second respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 08.11.2024 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 Mr.S.Samsudeen, Special Sub



Crl.O.P.(MD)No.19174 of 2024

Inspector of Police, Devakottai Town Police Station, Sivagangai 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 dispute is of personal in nature arisen out of wordy quarrel and the sudden quarrel led to exchange of blows and 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 341, 147, 294(b), 323, 324, 427 and 506(ii) IPC.

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



Crl.O.P.(MD)No.19174 of 2024

judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.173 of 2023 as against the petitioners pending before the Judicial Magistrate, Devakottai, even though the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.173 of 2023, on the file of the Judicial Magistrate, Devakottai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

19.12.2024

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Judicial Magistrate, Devakottai

2. The Inspector of Police,
Devakottai Town Police Station,
Devakottai, Sivagangai District.

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



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Crl.O.P.(MD)No.19174 of 2024

M.NIRMAL KUMAR, J.

PNM

Order in
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19.12.2024