



Crl.O.P.(MD)No.17899 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.17899 of 2024

1. Kaviya
2. Vimal Subbaiah
3. Hema Malini
4. Saravana Balaji

... Petitioners

Vs.

1. The Inspector of Police
K.Pudur Police Station
Madurai City
Madurai

2. Sabirabenasir Parvin

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the in First Information Report in Crime No. 422 of 2024 on the file of the first respondent dated 20.09.2024 and quash the same.

For Petitioners : Mr.S.Viljoen Ajit

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

For R2 : Mr.A. Balaji



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ORDER

The Criminal Original Petition has been filed to quash the F.I.R. in Crime No.422 of 2024, dated 20.09.2024, on the file of the first respondent Police.

2. The case of the prosecution is that 2. The Petitioners submit that the case of the prosecution is that when the de-facto complainant was about to pick her children from their school and while returning the accused No. 1 namely Kaviya had thrown a stone from her house aiming at the defacto complainant but the stone injured her children. When the same was questioned by the defacto complainant the petitioners accompanied and abused the defacto complainant using filthy languages with religious remarks as well as threatened her with dire consequences. Hence the case came to be registered.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent Police and on that basis, F.I.R. registered in Crime No.422 of 2024, dated 20.09.2024, for the offences under Sections 118,296(b),126(2) and 351(2) of BNS @



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118, 296, 126(2) and 351(2) of BNS and Section 4 of TNPHW Act against the petitioners. He further submitted that by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably between them.

4. The learned Government Advocate (Criminal Side) for the first respondent submitted that, after the completion of investigation in Crime No.422 of 2024 , charge sheet filed before the concerned Court and the same is yet to be taken cognizance.

5. A Joint Memo of Compromise, dated 23.10.2024 along with affidavit of the second respondent, filed before this Court, signed by petitioners and second respondent and by their respective counsels. The petitioners and the second respondent present in person before this Court and they were identified by Mr.A.Krishnan. SSI of Police, E1.K. Pudur Police Station, Madurai , as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.



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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 under Sections 118,296(b),126(2) and 351(2) of BNS @ 118, 296, 126(2) and 351(2) of BNS and Section 4 of TNPHW Act

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.422 of 2024, on the file of 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.422 of 2024, on the file of the first respondent Police, consequently, the charge sheet filed before the



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concerned Court also stands quashed and the terms of joint compromise memo, dated 23.10.2024, shall form part and parcel of this order.

NCC : Yes / No

12.11.2024

Index : Yes / No

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To

1. The Inspector of Police
K.Pudur Police Station
Madurai City
Madurai

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



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M.NIRMAL KUMAR, J.

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Order made in
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