



Crl.O.P.(MD)No.18150 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18150 of 2024

1.Boopathi
2.Uthayakarthick @ Jimpa
3.Vijayaragavan
4.Madhavan

... Petitioners

Vs.

1.State of Tamil Nadu through,
The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(Crime No.168 of 2024)

2.Marimuthu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned F.I.R. in Crime No.168 of 2024, dated 20.09.2024, on the file of the first respondent Police and quash the same.

For Petitioners : Mr.A.Arputharaj

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



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For R2

: Mr.A.Ilayaraja

ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the F.I.R. in Crime No.168 of 2024, dated 20.09.2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that on 19.09.2024, at about 11:30 p.m., the petitioners, along with others, gathered in front of the second respondent's (de-facto complainant's) house to celebrate the birthday of one Vijayaragavan (A3), by cutting a cake. When the second respondent questioned them about the noise and disturbance caused to students, who were studying and elderly people in the area, the petitioners used abusive language, assaulted him, caused injury on his face and also threatened him with dire consequences. As a result, the second respondent 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



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respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.168 of 2024, dated 20.09.2024, for the offences under Sections 296(b), 118(1), 127(2), 115(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, against the petitioners.

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, dated 21.10.2024, 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.S.Boominathan, Special Sub-Inspector of Police, Parthibanoor Police Station, Ramanathapuram 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.



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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 296(b), 118(1), 127(2), 115(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

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



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.168 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 21.10.2024, shall form part and parcel of this order.

06.11.2024

NCC : Yes / No

Index : Yes / No

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To

- 1.The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
- 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
Crl.O.P.(MD)No.18150 of 2024

Dated: 06.11.2024