



Crl.O.P.(MD)No.18155 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18155 of 2024

1.Ashok
2.Arunkumar
3.Selvaraj

... Petitioners

Vs.

1.State of Tamil Nadu through,
The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(Crime No.170 of 2024)

2.Selvam

... 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.170 of 2024, dated 20.09.2024, on the file of the first respondent Police and quash the same.

For Petitioners : Mr.A.Ilayaraja

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



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Crl.O.P.(MD)No.18155 of 2024

For R2

: Mr.A.Aruputharaj

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.170 of 2024, dated 20.09.2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that on 20.09.2024, at about 8:30 a.m., the second respondent / de facto complainant was sitting on the side of the road in front of his house, talking with his wife and son. At that time, the first petitioner (A1) drove a two-wheeler, bearing Registration No.TN-65-B-9165, at high speed and hit the second respondent / de facto complainant on the knee. When the incident was questioned, the first petitioner, along with petitioners 2 and 3, who were seated behind the two-wheeler, verbally abused the second respondent and his family members in filthy language and also threatened them 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



Crl.O.P.(MD)No.18155 of 2024

respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.170 of 2024, dated 20.09.2024, for the offences under Sections 284, 125 and 296(b) 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.



Crl.O.P.(MD)No.18155 of 2024

WEB COPY

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 284, 125 and 296(b) 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.170 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.170 of 2024, on the file of the



Crl.O.P.(MD)No.18155 of 2024

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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Crl.O.P.(MD)No.18155 of 2024

M.NIRMAL KUMAR, J.

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Order made in
Crl.O.P.(MD)No.18155 of 2024

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