



Crl.O.P.(MD)No.18293 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18293 of 2024

1. Licson @ Liton
2. Vino@ Maria Vino

... Petitioners

Vs.

1. The Inspector of Police
Kottar Police Station
Nagercoil, Kanyakumari District

2.Basupathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in connection with the FIR in Crime No.870 of 2021 pending on the file of the first respondent police against the petitioners and quash the same so far as the petitioners concerned.

For Petitioners : Mr.George Paul Anto

For R1 : Mr.A.Thiruvaikumar
Additional Public Prosecutor

For R2 : Mr.Kishore Kumar



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ORDER

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The Criminal Original Petition has been filed to quash the First Information Report in Crime No.870 of 2021 on the file of the first respondent Police.

2. The case of the prosecution is that on on 20.11.2021 the petitioners herein abused, attacked the defacto complainant and also threatened with dire consequences.Hence this present case.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners 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.870 of 2021 for the offences under Sections 294(b), 324 and 506(ii) of IPC 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.



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5. A Joint Memo of Compromise, dated 22.10.2024, 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.R. Jeyakumar, SSI of Police, Kottar Police Station, Kanniyakumari 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.

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 294(b), 324 and 506(ii) of 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*** were taken into consideration.



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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.870 of 2021 , 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.870 of 2021 on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 22.10.2024, shall form part and parcel of this order.

18.11.2024

NCC : Yes / No
Index : Yes / No
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To

1. The Inspector of Police
Kottar Police Station
Nagercoil, Kanyakumari 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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