



Crl.O.P.(MD)No.18407 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18407 of 2024

1.Alagarsamy
2.Sakthi @ Tamilarasan
3.Kaleeswaran @ Kaliraj
4.Mareeswaran

... Petitioners/A1 to A4

Vs.

1.The State,
Rep. by The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
(Crime No.93 of 2024)

... 1st Respondent/Complainant

2.Umadevi

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records relating to the FIR in Crime No.93 of 2024, dated 30.03.2024 pending on the file of the first respondent police and quash the same as against the petitioners.

For Petitioners	: Mr.J.Yogeswaran
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.S.Srikanth



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ORDER

The Criminal Original Petition is filed to quash the F.I.R. in Crime No.93 of 2024, pending on the file of the first respondent Police.

2.The case of the prosecution is that due to family dispute, on 10.09.2024 at about 02.00 a.m., the petitioners knocked on the house of the defacto complainant and abused the defacto complainant and her mother and also attacked the defacto complainant with vegetable knife. Hence, the second respondent / de-facto complainant 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 respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.93 of 2024 for the offences under Sections 296(b), 332(a), 118(1), 351(3) and 61(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 against the petitioners.



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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 19.10.2024, 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 SSI, M.Pudupatti Police Station, Madurai 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 296(b), 332(a), 118(1), 351(3) and 61(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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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.93 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.93 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 19.10.2024, shall form part and parcel of this order.

13.11.2024

NCC : Yes / No
Index : Yes / No
Rmk



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WEB COPY To

- 1.The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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