



Crl.O.P.(MD)No.19295 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19295 of 2024

and

Crl.M.P.(MD)No.11905 of 2024

Anandha Ayappan

... Petitioner

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
Silaiman Police Station,
Puliyankulam, Madurai.
(Cr.No.1523/2020)

2.M.Ramakrishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR made in Crime No.1523 of 2020 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Ramsundarvijayaraj

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl., Side)

For R2 : Mr.T.Dinesh



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ORDER

WEB COPY This Criminal Original Petition has been filed to quash the FIR in Crime No.1523 of 2020 dated 07.11.2020 for the alleged offences under Sections 279 and 337 IPC on the file of the 1st respondent police and quash the same.

2.The case of the prosecution is that on 06.11.2020 at about 07.00 a.m., when the defacto complainant went to drink tea by walk from east to west near Puliyankulam, Mangayarkarasi Mill, the petitioner, who drove Yamaha FZ vehicle bearing registration No.TN 58 BB 3917, without any horn, hit the defacto complainant and caused injury in his both legs. Thereafter, the defacto complainant was taken to the Madurai Rajaji Hospital. Hence, an FIR has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the 2nd respondent lodged a complaint before the 1st respondent and an FIR has been registered in Crime No.1523 of 2020, for the alleged offences under Sections 279 and 337 IPC.



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WEB COPY

4.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Therefore, the 2nd respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5.A Joint Memo of Compromise is filed before this Court signed by the petitioner and the 2nd respondent and their respective counsels. The petitioner and the 2nd respondent are present before this Court, identified by Ms.S.Booma, Special Sub Inspector of Police, (Contact: 94981 82224) Silaiman Police Station, Madurai District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6.When the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 279 and 337 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***



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and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in (2017) 9

SCC 641 was 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 FIR in Crime No.1523 of 2020 dated 07.11.2020 as against the petitioner pending before the respondent police, even though the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.1523 of 2020 dated 07.11.2020 on the file of the respondent police, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

29.11.2024

NCC : Yes / No

Index : Yes / No

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To

- 1.The Inspector of Police,
Silaiman Police Station,
Puliyankulam, 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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