



Crl.O.P.(MD)No.18577 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.18577 of 2024

R.Shanmugakani

... Petitioner

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi, Thoothukudi District.
(Cr.No.311/2024)

2.Vallikannu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., @ 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR made in Crime No.311 of 2024 on the file of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.S.A.Ganapathyraman

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl., Side)

For R2 : Mr.K.Esakki



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.311 of 2024 dated 14.09.2024 for the alleged offences under Sections 319(2) and 196(1)(b) of BNS on the file of the 1st respondent police and quash the same.

2.The case of the prosecution is that the defacto complainant / 2nd respondent is the State Secretary of Pasumpon Muthuramalinga Thevar People's Defense Movement and one K.M.Esakkiraja Thevar is the Founder President of the said society. Since there is a life threat to the said Esakkiraja Thevar, the defacto complainant / 2nd respondent and others are giving protection to him. While being so, on 14.09.2024 around 8.15 p.m., the petitioner came to their area and took photos of the said society. When the defacto complainant / 2nd respondent enquired about the same, he gave wrong information. 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.311 of 2024, for the alleged offences under Sections 319(2) and 196(1)(b) of BNS.



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4.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves for the reason that the issue between themselves has been settled out of Court. 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 Mr.S.Sivasankaran, Special Sub Inspector of Police, (Contact: 99624 99776) SIPCOT Police Station, Tuticorin 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 319(2) and 196(1)(b) of BNS.



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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*** 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.311 of 2024 dated 14.09.2024 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.311 of 2024 dated 14.09.2024 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.

29.11.2024

NCC : Yes / No
Index : Yes / No



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To

- 1.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi, Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Yuva

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