



*Crl.O.P.(MD)No.19060 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

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**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.19060 of 2024

1.Vasanth

2.Boomi Balan

... Petitioners

Vs.

1.The State of Tamilnadu,  
Rep. by the Inspector of Police,  
Kalaiyakovil Police Station,  
Sivagangai District.  
(Crime No.135 of 2024)

2.Veerappan

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in the FIR in Crime No.135 of 2024 dated 03.04.2024 for the alleged offences under Sections 294(b), 323, 324, 506(i) of IPC on the file of the 1<sup>st</sup> respondent police and quash the same.



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For Petitioners : Mr.K.Dinesh  
For R1 : Mr.K.Sanjai Gandhi  
Government Advocate (Crl. Side)  
For R2 : Mr.K.Sheenivasan

### **ORDER**

This Criminal Original Petition has been filed to quash the FIR in Crime No.135 of 2024 dated 03.04.2024 for the alleged offences under Sections 294(b), 323, 324, 506(i) of IPC on the file of the 1<sup>st</sup> respondent police and quash the same.

2. The case of the prosecution is that on 02.04.2024, when the petitioners were consuming alcohol, the second respondent confronted them, due to which, there was a wordy quarrel. The petitioners assaulted the second respondent with weapons and he sustained injuries. Hence, an FIR has been registered against the petitioners herein.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.135 of 2024, for the alleged offences under Sections 294(b), 323, 324, 506(i) of IPC.



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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 sudden wordy quarrel led to exchange of blows and it was not a premeditated attack and both parties contributed to the happenings. Further, the parties are relatives. Now, both realized their mistakes, reconciled and the second respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 05.11.2024 is filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court, identified by Mr.S.Alagu Boopathi, Special Sub Inspector of Police, (Contact: 83000 00684) Kalaiyarkoil Police Station, Sivagangai 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.



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6. In the instant case, the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b), 323, 324, 506(i) 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 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.135 of 2024 dated 03.04.2024 as against the petitioners 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.135 of 2024 dated 03.04.2024 on the file of the



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respondent police, is quashed as against the petitioners and the joint compromise memo dated 05.11.2024 shall form part and parcel of this order.

NCC : Yes / No  
Index : Yes / No  
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**21.11.2024**

To

- 1.The Inspector of Police,  
Kalaiyakovil Police Station,  
Sivagangai 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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Order made in  
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Dated:  
21.11.2024