



Crl.O.P.(MD)No.19227 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19227 of 2024

and

Crl.M.P.(MD)No.11863 of 2024

1.Narendran

2.Kiran @ Nellai Karnan

3.Shankar

... Petitioners

Vs.

1.The State, Rep. by its
The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.
(Crime No.148 of 2024)

2.Rajaram

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records relating to the impugned F.I.R. in Crime No.148 of 2024, dated 10.04.2024, on the file of the first respondent Police and quash the same insofar as the petitioners are concerned.



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For Petitioners : Mr.S.Vidhya Sagar
For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 : Mr.S.Nirmal Kumar

ORDER

The Criminal Original Petition has been filed invoking Section 528 B.N.S.S., 2023, seeking orders to quash the F.I.R. in Crime No.148 of 2024, dated 10.04.2024, on the file of the first respondent Police.

2. The case of the prosecution is that on 09.04.2024, at about 08:00 p.m., the second respondent's brother's two-wheeler ran out of fuel. The second respondent went to the nearby Bharath Petrol Bunk and requested fuel in a empty bottle. The same was refused. The second respondent questioned and there was wordy quarrel. At that time, the petitioners came, verbally abused second respondent using filthy language, assaulted him, and threatened him with dire consequences. Hence, the second respondent lodged a complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent



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Police and F.I.R. came to be registered in Crime No.148 of 2024, dated 10.04.2024, for the offences under Sections 294(b), 323 and 506(i) of I.P.C., against the petitioners. He further submitted that by passage of time, the parties decided to bury their hatchet and compromise the dispute amicably among themselves.

4. The learned Government Advocate (Criminal Side) for the first respondent submitted that, after completion of the investigation, now, charge sheet filed, taken on file in C.C.No.1320 of 2024 by the learned Judicial Magistrate No.IV, Tirunelveli. The case is now posted to 12.11.2024 (tomorrow) for appearance of the accused persons.

5. A Joint Memo of Compromise, dated 30.09.2024, signed by the petitioners and the second respondent and by their respective counsels produced. The petitioners and the second respondent present in person before this Court, who were identified by Mr.K.Kupendran, Special Sub-Inspector of Police, Tirunelveli Junction Police Station, Tirunelveli City, as well as by the learned counsels appearing for the parties. This Court enquired both parties and is satisfied that the parties have come to an amicable settlement between themselves.



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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), 323 and 506(i) of I.P.C.

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.148 of 2024, on the file of 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.148 of 2024, on the file of the first respondent Police, consequently, the proceedings in C.C.No.1320 of 2024 pending against the petitioners before the Judicial Magistrate Court



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No.IV, Tirunelveli, also stands quashed and the terms of joint compromise memo, dated 30.09.2024, shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

11.11.2024

To

- 1.The Judicial Magistrate No.IV,
Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.
- 3.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
Crl.O.P.(MD)No.19227 of 2024

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