



*Crl.O.P.(MD)No.19229 of 2024*

WEB COPY

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.19229 of 2024

and

Crl.M.P.(MD)No.11865 of 2024

1.Rajaram

2.Meenakshi Rajan

... Petitioners

Vs.

1.The State, Rep. by its  
The Inspector of Police,  
Tirunelveli Junction Police Station,  
Tirunelveli City.  
(Crime No.149 of 2024)

2.Dalton

... 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.149 of 2024, dated 10.04.2024, on the file of the first respondent Police and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.S.Nirmal Kumar



WEB COPY



*Crl.O.P.(MD)No.19229 of 2024*

For R1 : Mr.K.Sanjai Gandhi  
Government Advocate  
(Criminal Side)

For R2 : Mr.S.Vidhya Sagar

### **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.149 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 petitioners came to Bharat petrol bunk and requested petrol to be filled in a empty bottle. The second respondent informed them Police had instructed not to fill petrol in empty bottles, and refused to fill petrol. The petitioners, who were in drunken mood, got offended using filthy language and attacked him, and threatened him with dire consequences. Hence, the second respondent 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 lodged a complaint before the first respondent Police and on that basis, F.I.R. registered in Crime No.149 of 2024, dated 10.04.2024,



*Crl.O.P.(MD)No.19229 of 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 have decided to bury their hatchet and compromise the dispute amicably between them.

4. The learned Government Advocate (Criminal Side) for the first respondent submitted that, after the completion of investigation in Crime No.149 of 2024, charge sheet filed, taken on file in C.C.No.1319 of 2024 by the learned Judicial Magistrate No.IV, Tirunelveli. The case is now posted to 12.11.2024 (tomorrow) for the appearance of the accused persons.

5. A Joint Memo of Compromise, dated 30.09.2024 along with affidavit of the second respondent, filed before this Court, signed by petitioners and second respondent and by their respective counsels. The petitioners and the second respondent present in person before this Court and they 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 also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.



*Crl.O.P.(MD)No.19229 of 2024*

WEB COPY

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.149 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.149 of 2024, on the file of the first respondent Police, consequently, the proceedings in C.C.No.1319 of 2024 pending against the petitioners before the Judicial Magistrate Court



*Crl.O.P.(MD)No.19229 of 2024*

WEB COPY

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.



WEB COPY



*Crl.O.P.(MD)No.19229 of 2024*

**M.NIRMAL KUMAR, J.**

smn2

Order made in  
Crl.O.P.(MD)No.19229 of 2024

Dated: 11.11.2024