



Crl.O.P.(MD)No.18741 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18741 of 2024
and Crl.M.P(MD).No.11624 of 2024

1.Rajagopal
2.Velsamy @ Durai ... Petitioners

Vs.

1.State through the Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
Crime No.227 of 2024

2.Ananji ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the PRC No.149 of 2024 dated 29.08.2024 on the file of the learned Judicial Magistrate, Cheranmahadevi in Crime No.227 of 2024 dated 23.08.2024 and quash the same.

For Petitioners : Mr.C.Venkatesh

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

For R2 : Mr.M.Murugesan



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in P.R.C.No.149 of 2024 on the file of the learned Judicial Magistrate, Cheranmahadevi and quash the same.

2. The case of the prosecution is that due to previous enmity, the petitioners along with other accused persons way laid the defacto complainant, abused him by using filthy language, attacked with aruval and also threatened with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.227 of 2024, after investigation, final report filed, the same taken cognizance in P.R.C.No.149 of 2024, on the file of the learned Judicial Magistrate, Cheranmahadevi, for the offences under Sections 126(2), 296(b), 109(1), 351(3) and 131 of BNS Act, 2023, against the petitioners. He further submitted that there was no injury.



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4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.S.Maabhujahn, Spl.S.I of Police, Mukoodal Police Station, Tirunelveli District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the dispute is of personal in nature. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 126(2), 296(b), 109(1), 351(3) and 131 of BNS Act, 2023.



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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*** 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 P.R.C.No.149 of 2024 as against the petitioners pending before the learned Judicial Magistrate, Cheranmahadevi, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in P.R.C.No.149 of 2024, on the file of the learned Judicial Magistrate, Cheranmahadevi, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
Rmk

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To

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



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M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.18741 of 2024

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