



Crl.O.P.(MD)No.19151 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19151 of 2024

Thennavan

... Petitioner

Vs.

1. The Sub Inspector of Police
Kattupthur Police Station
Trichy District.
(crime No.167 of 2024)

Respondent / complainant

2. Parthiban

... 2nd Respondent / defacto complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the First Information Report in Crime No.167 of 2024, dated 10.06.2024 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr. R. Venkatesan

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

For R2 : Mr.Balu Rajasekar



Crl.O.P.(MD)No.19151 of 2024

WEB COPY

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.167 of 2024, on the file of the first respondent Police.

2. The case of the prosecution is that on 09.06.2024, the petitioner herein used unparliamentary words in front of the 2nd respondent's brother home, when the same was questioned by the 2nd respondent / defacto complainant, the petitioner herein has attacked him with stone and also abused him in filthy language. Hence this present cas

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.167 of 2024, dated 10.06.2024 for the offences under Sections 294(b) and 324 IPC against the petitioner.

4. The case is still under the investigation. By passage of time, the



Crl.O.P.(MD)No.19151 of 2024

parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise, dated 07.11.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by the 2nd respondent Police, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

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) and 324 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



Crl.O.P.(MD)No.19151 of 2024

WEB COPY

(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.167 of 2024, pending before 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.167 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 07.11.2024, shall form part and parcel of this order.

07.11.2024

NCC : Yes / No
Index : Yes / No
trp



Crl.O.P.(MD)No.19151 of 2024

WEB COPY To

1. The Sub Inspector of Police
Kattupthur Police Station
Trichy District.Station
Tenkasi District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.19151 of 2024

M.NIRMAL KUMAR, J.

trp

Crl.O.P.(MD)No.19151 of 2024

07.11.2024