



Crl.O.P.(MD)No.18932 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.18932 of 2024

1.Muthusamy
2.Manoj
3.Ramesh

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Sub Division, Melur,
Madurai District.

2.State through
The Inspector of Police,
Keelavalavu Police Station,
Crime NO.323 of 2022

3.Kumaresan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to the Crime No.323 of 2022 on the file
of the second respondent herein and quash the same.

For Petitioners	: Mr.V.Saravanan
For R1 & R2	: Mr.K.Sanjai Gandhi Government Advocate (crl.side)
For R3	: Mr.R.Rajeswaran



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ORDER

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The Criminal Original Petition has been filed to quash the First Information Report in Crime No.323 of 2022 on the file of the second respondent Police.

2. The case of the prosecution is that due to previous enmity, the accused persons assaulted the defacto complainant, scolded in filthy language and also threatened him. Hence, the case.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the second respondent Police and on that basis, F.I.R. came to be registered in Crime No.323 of 2022, dated 26.12.2022 for the offences under Sections 147, 148, 448, 294(b), 323, 324, 427 and 506(2) of IPC, 1860, and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST(POA) Amendment Act, 2015, against the petitioners.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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5. A Joint Memo of Compromise, dated 09.10.2024, has been filed before this Court, which has been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by Mr.S.Thayazhan, SSI Police, Keelavalavu Police Station, Madurai District, 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 147, 148, 448, 294(b), 323, 324, 427 and 506(2) of IPC, 1860, and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST(POA) Amendment Act, 2015, considering the facts and circumstances of the case.



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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 Crime No.323 of 2022, pending before the second 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.323 of 2022, on the file of the second respondent Police, is quashed and the terms of joint compromise memo dated 09.10.2024, shall form part and parcel of this order.

08.11.2024

NCC : Yes / No
Index : Yes / No



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Rmk
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To

- 1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Melur Sub Division, Melur,
Madurai District.
- 2.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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