



Crl.O.P.(MD)No.19577 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Subramani
2.Alagar
3.Premkumar
4.Pasuvendhan
5.Naveen
6.Malaravan
7.Nithishkumar
8.Elumalai
9.Surya
10.Sakthivel

... Petitioners

Vs.

The State of Tamil Nadu rep., by

1.The Inspector of Police
Valanadu Police Station
Trichy District.
Crime No.140 of 2024

2.Ganesan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the entire records pertaining to the case in Crime No.140 of 2024 on the file of the first respondent police and quash the same.



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For Petitioners : Mr.M.Pitchai Muthu
For R1 : Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side)
For R2 : Mr.A.Mohammed Asief

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.140 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that during the course of Annadhanam in respect of Vinayagar Sathurthi, all the accused persons made quarrel with the defacto complainant and other village people. The accused persons also abused the defacto complainant with filthy language, threatened and assaulted him with wooden stick. Hence this present case.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent Police and



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on that basis, F.I.R. came to be registered in Crime No.140 of 2024, dated 10.09.2024 for the offences under Sections 191(2), 296(b), 118(1), 324(2) and 351(3) of BNS Act, 2023, 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.

5. A Joint Memo of Compromise, dated 08.10.2024, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.S.Manikandan, SSI of Police, Valanadu Police Station, Trichy 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.



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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 191(2), 296(b), 118(1), 324(2) and 351(3) of BNS Act, 2023,.

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.140 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.140 of 2024, on the file of the



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first respondent Police, is quashed and the terms of joint compromise memo dated 08.10.2024, shall form part and parcel of this order.

13.11.2024

NCC : Yes / No
Index : Yes / No
Rmk

To

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



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M.NIRMAL KUMAR, J.

Rmk

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