



CrI.O.P.(MD) No.18784 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.18784 of 2024

and

CrI.M.P.(MD) No.11651 of 2024

- 1.Muthukumar
- 2.Periyakaruppan
- 3.Siva
- 4.Balaji
- 5.Siva
- 6.Rajesh @ Rajeswaran
- 7.Vasanth
- 8.Rajasekar @ Rajeswaran
- 9.Ranjith
- 10.Mani @ Manikandan
(Being a Minor, he is rep. by his father
Sundara Mahalingam @ Elipulukkai)
- 11.Muthaiah
- 12.Karupaiya
- 13.Sundaram @ Sundaramahalingam

... Petitioners

-VS-

- 1.The State of Tamil Nadu,
Rep. by its Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.264 of 2024)



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2.Ranjithkumar

3.Govintharaj

... Respondents

Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to call for the records pertaining to Crime No.264 of 2024, dated 23.09.2024, on the file of the Watrap Police Station, Virudhunagar District, and quash the same.

For Petitioners	:	Mr.D.S.Haroon Rasheed
For R1	:	Mr.A.Thiruvadi Kumar Additional Public Prosecutor
For R2 and R3	:	Mr.S.Prasanth

ORDER

This Criminal Original Petition is filed to quash the F.I.R. in Crime No. 264 of 2024, on the file of the first respondent Police, against the petitioners.

2. The case of the prosecution is that the second respondent / de-facto complainant is working as a Conductor in a private bus, bearing Registration



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No.TN-84-D-5576, making trips from Poomapatti to Madurai. On 20.10.2024, in the evening hours, the third respondent Govindaraj driving the bus from Watrap to Madurai and the second accused Periyakaruppan was travelling in the said bus in an intoxicated mood on the door step. When the second respondent / de-facto complainant instructed him to get inside the bus, he made disturbance to other passengers, due to which, there was a quarrel between them. While the bus proceeded near by Kottaiyur quarry at about 10.15 p.m., the accused persons, Villagers and supporters of the second accused, waylaid the bus and scolded the second respondent / de-facto complainant as well the third respondent / driver, wrongfully restrained and abused them using filthy language and also assaulted them with criminal intimidation. Hence, the case registered.

3. The learned counsel for the petitioners submitted that the parties have settled the issue among themselves and the issue is amicably settled between them. A joint compromise memo is also filed.



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4. Today, when the matter is taken up for hearing, a Joint Memo of Compromise, dated 04.11.2024, produced before this Court. The petitioners, the Special Sub-Inspector of Police, Watrap Police Station Mr.V.Seenivasan, the second respondent/de-facto complainant and the third respondent / victim all present in person before this Court, identity of persons confirmed by the Special Sub-Inspector of Police.

5. The learned Additional Public Prosecutor appearing for the first respondent Police confirmed, the parties present before this Court are the accused, de-facto complainant and another victim in the case.

6. The respective counsels appearing for the parties reiterated the compromise arrived at between the parties and the inclination of both victims not to further pursue the complaint and case.

7. Considering the facts and circumstances of the case and the nature of the offences, I am of the view that this is a fit case as per the judgment of the Hon'ble Supreme Court of India in **Gian Singh vs. State of Punjab and another**



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reported in **2012 (10) SCC 303**, to exercise the power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and to quash the same.

8. Accordingly, this Criminal Original Petition is allowed. The case in Crime No.264 of 2024, on the file of the first respondent Police, stands quashed. The Memorandum of Compromise shall form part of the order. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

04.11.2024

To:-

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



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M.NIRMAL KUMAR, J.

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