



Crl.O.P.(MD)No.19302 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19302 of 2024

1.Balamurugan
2.Sakthieshwaran

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep. by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.475 of 2024)

2.Sudhakar

3.Babysalini

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned F.I.R. in Crime No.475 of 2024, on the file of the first respondent Police and quash the same as illegal.

For Petitioners : Mr.T.Lenin Kumar

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

For R2 and R3 : Mr.D.Venkatesh



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ORDER

The Criminal Original Petition has been filed invoking Section 528 B.N.S.S., 2023, seeking orders to quash the F.I.R. in Crime No.475 of 2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent is employed as a Teacher at Raja Higher Secondary School, Ettaiyapuram. The first petitioner is the second respondent's junior father, and the second petitioner is the first petitioner's son. The petitioners reside adjacent to the second respondent's house, and there was an ongoing civil dispute between them.

2.1. On 13.10.2024, while the second respondent was on his way to the shop, the petitioners intercepted him in front of a cycle shop on Pasuvanthanai Road. They verbally abused him using filthy language and physically assaulted him. The second respondent immediately informed his wife, the third respondent, through mobile phone. On arriving at the scene, the third respondent attempted to intervene, but the second petitioner threw a stone at her head. As a result, the second respondent lodged a complaint.



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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 on that basis, F.I.R. came to be registered in Crime No.475 of 2024, dated 13.10.2024, for the offences under Sections 126(2), 296(b), 115(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita, 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 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 respondents 2 and 3 were also present in person before this Court and they were identified by Mr.S.Rajagopal, Special Sub-Inspector of Police, Kovilpatti East Police Station, Thoothukudi District, as well as by the learned counsels appearing for the parties. This Court also enquired both the



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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 126(2), 296(b), 115(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita, 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.475 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.475 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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11.11.2024

To

- 1.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi 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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Order made in
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