



Crl.O.P.(MD)No.18967 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18967 of 2024

1.Chandirapandi @ Soundarapandi
2.Davendran @ Deivendran ... Petitioners/A1 and A4

Vs.

1.The State of Tamil Nadu, Rep. by
The Inspector of Police,
Thirumangalam Police Station,
Madurai District.
(Crime No.193 of 2024)

2.Alagurajan ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in Crime No.193 of 2024, on the file of the Inspector of Police, Thirumangalam Taluk Police Station, Thirumangalam, Madurai District, and quash the same.

For Petitioners : Mr.B.Duraipandi

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

For R2 : Mr.S.Muthumalairaja



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ORDER

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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.193 of 2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that there was a previous enmity between the second respondent (de-facto complainant) and the second petitioner (A4) regarding a sewage issue. On 12.10.2024, at around 8:00 p.m., after the village festival, the second respondent went to take a bath at the bath tank near his house. At that time, on the instigation of the first petitioner, co-accused A2 and A3 (the sons of the first petitioner) waylaid the second respondent and used abusive language against him. Further, A3 beaten him with wooden log and A2 cut the second respondent's hand with knife and the second petitioner instigated the other accused to do away the second respondent. On seeing the relatives of the second respondent, A2 and A3 threatened and fled the scene. Hence, the second respondent lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second



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respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.193 of 2024, dated 13.10.2024, for the offences under Sections 49, 126(1), 296(b), 115(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, against the petitioners/A1 and A4, and A2 and A3.

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, signed by the petitioners, second respondent and their respective counsels. The petitioners/A1 and A4 and the second respondent present in person before this Court and A2 and A3 appeared through virtual mode and they were identified by Mr.P.Petchimuthupandi, Sub-Inspector of Police, Thirumangalam Taluk Police Station, Madurai District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves and the issue got resolved.



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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 49, 126(1), 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.193 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.193 of 2024, on the file of the



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first respondent Police as against A1 to A4, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

NCC : Yes / No

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Index : Yes / No

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To

- 1.The Inspector of Police,
Thirumangalam Police Station,
Madurai 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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