



Crl.O.P.(MD)No.19323 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.19323 of 2024

Abdus Saleem

... Petitioner

Vs.

1.The State, Rep. by
The Inspector of Police,
Kurangani Police Station,
Theni District – 625 582.
(Crime No.31 of 2024)

2.Indira

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to Crime No.31 of 2024, pending on the file of the first respondent Police and quash the same by allowing the present Criminal Original Petition.

For Petitioner : Mr.R.Jayaprakash

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



WEB COPY



Crl.O.P.(MD)No.19323 of 2024

For R2

: Mr.B.Satheesh Kumar

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.31 of 2024, dated 16.09.2024, pending on the file of the first respondent Police.

2. The prosecution case is that on 16.09.2024, at about 10:00 a.m., the second respondent's husband, M.Sakthivel, aged 62 years, son of Meyya Thevar, was riding his two-wheeler (Registration No.TN-60-AX-8991) from Bodi to Bodimettu. Near the 5th hairpin bend, the petitioner's car (Registration No.TN-14-F-9598) collided with him. As a result, the second respondent's husband sustained injuries to the right side of his body, his nose, hands, and right toe. Immediately, he was taken to the hospital for treatment. However, he succumbed to his injuries around 12:55 p.m. As a result, the second respondent lodged a complaint.

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



Crl.O.P.(MD)No.19323 of 2024

respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.31 of 2024, dated 16.09.2024, for the offences under Sections 281 and 106 of the Bharatiya Nyaya Sanhita, 2023, against the petitioner.

4. The learned counsel for the second respondent submitted that, following the death of her husband, the second respondent now resides with her son. The petitioner approached the second respondent, stating that he had previously performed the Haj pilgrimage and, after his return, had been leading a pious and religious life. He further stated that, as per his custom, he is not expected to engage in any acts that harm others.

5. He further stated that the road accident occurred due to the contributory negligence of the deceased. Furthermore, since the petitioner was driving a heavier vehicle, he has been named as an accused without proper consideration of the nature of the accident. Based on these explanations and after making inquiries with others, the second respondent has confirmed that the petitioner's plea warrants consideration and, therefore, she is ready and willing to resolve the dispute amicably.



Crl.O.P.(MD)No.19323 of 2024

WEB COPY

6. 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.

7. A Joint Memo of Compromise, dated 07.11.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.G.Venugopal, Head Constable, Kurangani Police Station, Theni 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.

8. 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 281 and 106 of the Bharatiya Nyaya Sanhita, 2023.

9. 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)



Crl.O.P.(MD)No.19323 of 2024

10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*

WEB COPY

reported in **(2017) 9 SCC 641** were taken into consideration.

10. 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.31 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.31 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, dated 07.11.2024, shall form part and parcel of this order.

NCC : Yes / No

11.11.2024

Index : Yes / No

smn2

To

1.The Inspector of Police,
Kurangani Police Station,
Theni District – 625 582.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.19323 of 2024

M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.19323 of 2024

Dated: 11.11.2024