



Crl.O.P.(MD)No.19073 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Imran Khan @ Mohammed Jafran
2.Malungu @ Malungu Ibrahmi Sha
3.Jabar @ Sahubar Sathick

... Petitioners

Vs.

1.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.200 of 2021)

2.Sudhakar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in S.C.No.241 of 2023, on the file of the Chief Judicial Magistrate Court, Ramanathapuram, and quash the same as illegal, improper and abuse of process of law.

For Petitioners : Mr.R.Murugan

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

For R2 : Mr.S.Santosha Uthaman



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in S.C.No.241 of 2023, on the file of the Chief Judicial Magistrate Court, Ramanathapuram, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that on 17.08.2021, the second respondent's two-wheeler (TN-65-S-6292) caused scratches on the auto (TN-65-AA-0955). The first petitioner verbally abused and chased him, threatening to kill him. The second petitioner, driving the auto, collided with the two-wheeler, causing the second respondent to fall. The third petitioner assaulted him with a wooden log, inflicting a bleeding head injury. The first petitioner also attacked the second respondent's head. The persons standing nearby intervened and separated them during the quarrel. Thereafter, one Sachidhanandham took the second respondent to Government Hospital, Thiruvadanai. On receiving intimation from the hospital, the first respondent obtained a statement from the second respondent and registered a case.



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3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.200 of 2021, after investigation, final report filed, the same taken cognizance in S.C.No.241 of 2023, on the file of the Chief Judicial Magistrate Court, Ramanathapuram, for the offences under Sections 294(b), 324 and 307 I.P.C. against the petitioners. He further submitted that the doctor had opined that the injury was simple in nature.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves, for the reason, sudden wordy quarrel lead to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels.



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The petitioners and the second respondent present before this Court, identified by Mr.V.Soundara Pandian, Thondi Police Station, Ramanathapuram District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the dispute is of personal in nature arise out of road accident, causing damage to the Auto and two-wheeler, a sudden quarrel leading to exchange of blows and Doctor opined, injury not life threatening and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 324 and 307 I.P.C.

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.



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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 S.C.No.241 of 2023 as against the petitioners pending before the Chief Judicial Magistrate Court, Ramanathapuram, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.241 of 2023, on the file of the Chief Judicial Magistrate Court, Ramanathapuram, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
smn2

11.11.2024

To

- 1.The Chief Judicial Magistrate,
Ramanathapuram.
- 2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
- 3.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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