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Crl.O.P.(MD)No.19609 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.19609 of 2024

Kajamydeen

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Through the Inspector of Police,
Melapalayam Police Station,
Tirunelveli.
(Crime No.768 of 2020)

2.Kaja Nijam

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records connected to FIR in
Crime No.768 of 2020 on the file of the first respondent and quash the
same as illegal as against the petitioner.

For Petitioner	: Mr.S.Rameshkumar
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mr.P.Ravindar

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.768 of 2020 on the file of the first
respondent Police.



2. The case of the prosecution is that on 18.07.2020 at about 09.00 p.m., 15 unknown persons trespassed into the defacto complainant's house and damaged the household articles. Hence the case.

3. The learned counsel appearing for the petitioner 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.768 of 2020 for the offences under Sections 147, 448, 427 and 506(ii) of IPC against the petitioner.

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, dated 25.11.2024, 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.S.Ramesh, SSI of Police, Melappalayam Police Station, Tirunelveli City as well as by the learned counsel appearing for the parties. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves.



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6. Pursuant to the earlier order of this Court, the petitioner and the defacto complainant present before this Court and submitted that they have complied with the earlier directions of this Court. The defacto complainant also specifically submitted that he has wrongly identified the petitioner. The High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

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 and in view of the specific stand taken by the defacto complainant, no useful purpose will be served in keeping the proceedings in Crime No.768 of 2020, 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.768 of 2020, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 25.11.2024, shall form part and parcel of this order.

09.12.2024

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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