



Crl.O.P.(MD)No.19704 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19704 of 2024

Rethinam

... Petitioner

Vs.

1.State rep., by its
The Inspector of Police,
Nagudi Police Station,
Nagudi District.

2.Siva Murugaiya @ Murugaiya

3.Pasupathy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records relating to Crime No.195 of 2024 dated 19.08.2024
on the file of the first respondent police and to quash the same in so far
as the petitioner.

For Petitioner	: Mr.M.Dhinakar
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate(Crl.Side) \
For R2& R3	: Mr.S.Sathiyachidambaram



Crl.O.P.(MD)No.19704 of 2024

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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.195 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioners and the defacto complainant are brothers and there was some dispute with regard to property, for which, the petitioner abused the defacto complainant and also attacked. Hence this present case.

3. When the matter is taken up for hearing today, 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.195 of 2024, dated 19.08.2024 for the offences under Sections 296(b), 115(2), 118(2) and 351(3) of BNS Act, 2023 against the petitioner. This is a case and case in counter.



Crl.O.P.(MD)No.19704 of 2024

WEB COPY

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 --.10.2024, has been filed before this Court, which has been signed by the petitioner and the second and third respondents and also by their respective counsel. The petitioner and the second and third respondents were also present in person before this Court and they were identified by Mr.C.Ayyappan, SSI of Police, Nagudi Police Station, Nagudi 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.

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 296(b), 115(2), 118(2) and 351(3) of BNS Act.



Crl.O.P.(MD)No.19704 of 2024

WEB COPY

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.195 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.195 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated --.10.2024, shall form part and parcel of this order.

27.11.2024

(1/2)

NCC : Yes / No
Index : Yes / No
Rmk



Crl.O.P.(MD)No.19704 of 2024

To
WEB COPY

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



WEB COPY



Crl.O.P.(MD)No.19704 of 2024

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.19704 of 2024

27.11.2024
(1/2)