



Crl.O.P.(MD)No.19064 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19064 of 2024

1.Anbu

2.Indhirasenan

... Petitioners

Vs.

1.State Rep. by

The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur.
(Crime No.639 of 2023)

2.Aravindh @ Aravindhan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in F.I.R. in Crime No.639 of 2023, on the file of the first respondent Police and quash the same.

For Petitioners : Mr.I.Velpradeep

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

For R2 : Ms.S.Thilagavathi



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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.639 of 2023, pending on the file of the first respondent Police.

2. The case of the prosecution is that on 29.09.2023, at 10.30 p.m., when the second respondent (de-facto complainant) was returning home on his two-wheeler, the petitioners waylaid him and verbally abused him using filthy language, pretending to speak on a cell phone. When the second respondent questioned them about their behavior, the petitioners stopped his two-wheeler, assaulted him with their hands, and also threatened him with dire consequences. 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 respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.639 of 2023, dated 02.10.2023, for the offences under Sections 294(b), 341, 323 and 506(ii) of I.P.C., against the petitioners.



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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 29.10.2024, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.M.Raghunath, Special Sub-Inspector of Police, Thiruneelakudi Police Station, Thanjavur 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 294(b), 341, 323 and 506(ii) of I.P.C.



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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.639 of 2023, 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.639 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 29.10.2024, shall form part and parcel of this order.

07.11.2024

NCC : Yes / No
Index : Yes / No
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To
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- 1.The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

smn2

Order made in
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