



Crl.O.P.(MD).No.19789 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.OP(MD)No.19789 of 2024

Subramanian @ Bang Mani

... Petitioner

Vs.

1.State of Tamilnadu rep by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.431 of 2024)

2.Utchimahali

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 528 of BNSS., to call for the records in FIR in Crime No.431 of 2024 on the file of the 1st respondent and quash the same.

For Petitioner

: Mr.T.Selvan

For Respondents

: Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

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The petitioner is the sole accused in Crime No.431 of 2024 on the file of the first respondent police. He already have two previous cases. With this background, the respondent police registered the case against the petitioner in the above said crime number with the allegation that the *defacto* complainant is a mason and when he was riding his two wheeler on 08.09.2024 at 07.45 pm., the petitioner obstructed the *defacto* complainant and criminally intimidated him by showing the knife and forcefully taken a sum of Rs.600/- from his pocket. Therefore, a case was registered for the punishable offence under Sections 126(2), 296 (b), 309(4), 311 of BNSS and 25(1A) of Arms Act 1959.

2.Pending investigation, the petitioner has filed this quash petition stating that he entered into compromise with the second respondent/*defacto* complainant. This Court unable to accept the said contention of the petitioner on the basis of the law laid down by the Hon'ble Supreme Court in the case of *State of M.P., vs. Laxminarayanan* reported in **2019 (5) SCC 688** in which the Hon'ble Supreme Court



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depreciated the quashing of the criminal proceedings when there was a serious allegation of commission of heinous offence. The relevant paragraph is as follows:

“Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society.”

3. In view of the above special circumstances of this case, this Court is directed the investigating agency to complete the investigation and file the final report within a period of two months from the date of receipt of a copy of this order and also directed to give suitable protection to the *defacto* complainant to depose before the Court without fear. Further, it is also open to the investigating agency to initiate appropriate proceedings in the event of the hostile attitude on the part of the *defacto* complainant.



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4. With this direction, this Court is inclined to dismiss this quash petition. Accordingly, this Criminal original petition stands dismissed with the above directions.

15.11.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

sbn

To

- 1.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
- 2.The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court, Madurai.
- 3.The Section Officer,
Criminal Records,
Madurai bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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