



Crl.O.P.(MD)No.19680 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19680 of 2024

Jeyapandi

... Petitioner

Vs.

1.The Inspector of Police
Uthamapalayam Police Station,
Theni District.
(Crime No.181 of 2024)

2.Suriya

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records from the file of the first respondent police in Crime
No.181 of 2024 and quash the same.

For Petitioner : Mr.K.Prakash

For R1 : Mr.K.Sanjai Gandhi

Government Advocate(Crl.Side)

For R2 : Mr.PNSSM.Ammaar

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.181 of 2024, on the file of the first
respondent Police.



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2. The case of the prosecution is that the petitioner is in Army and is said to have been contacting the second respondent's wife over phone and hence, the second respondent's wife had earlier lodged a complaint before the first respondent police, in which charge sheet came to be filed and a case in C.C.No.162 of 2023 is pending before the Judicial Magistrate, Uthamapalayam, Theni District. While that being so, on 12.06.2024, when the second respondent went to the concerned Court, the petitioner is said to have attacked the second respondent in the court campus and hence, the complaint.

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.181 of 2024, dated 12.06.2024 for the offences under Sections 341, 294(b), 323, 355 and 506(i) of IPC against the petitioners.

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.



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WEB COPY 5. A Joint Memo of Compromise, dated 13.11.2024, 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 the concerned Police, 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) and 323 of IPC.

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 Crime No.181 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.181 of 2014, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 13.11.2024, shall form part and parcel of this order.

14.11.2024

NCC : Yes / No
Index : Yes / No
MR



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To

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



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M.NIRMAL KUMAR, J.

MR

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14.11.2024



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Crl.O.P.(MD)No.19680 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23-04-2025**

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP MD.NO. 19680 of 2024

Jeyapandi

Petitioner(s)

Vs

1.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.181 of 2024)

2.Suriya

Respondent(s)

For Petitioner(s):

Mr.K.Prakash

For Respondent(s):

Mr.Praksh

Government Advocate (Crl.Side)

ORDER

Today, this matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner in Crl.O.P.(MD).No.19680 of 2024.



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2. The contention of the petitioner is that there is an error in the narration of the facts of the order dated 14.11.2024 in Crl.O.P (MD).No.19680 of 2024 in paragraph 2 and in paragraph 9, the year of the crime number has been incorrectly mentioned as 2014 instead of 2024. The petitioner submits that these errors require rectification.

In paragraph 2 of the order, it has been recorded as below:-

“The petitioner is in Army, and is said to have been contacting the 2nd respondent's wife over phone and hence, the 2nd respondent wife had lodged a complaint before the 1st respondent police in which charge sheet came to be filed, and a case in C.C.No.162 of 2023.”

This has to be corrected as follows:

“The defacto complainant/2nd respondent contacted the petitioner's wife, Lakshmi through cell phone. Subsequently, the petitioner's wife lodged a complaint against the 2nd respondent. After investigation, a charge sheet was filed and



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the case was taken on file in C.C.No.162 of 2023, which is pending trial before the Judicial Magistrate, Uthamapalayam. On one of the hearing dates i.e., on 12.06.2024, while the defacto complainant was attending the proceedings, the petitioner, who is serving in the Armed Forces, had abused and assaulted him. Hence the complaint”

In paragraph No.9,

The Crime No.181 of 2014 has been mistakenly referred to, it should be correctly read as ***“Crime No.181 of 2024.”***

The Registry is directed to make necessary correction in the order dated 14.11.2024 and issue fresh order copy forthwith to the parties concerned.

23.04.2025

rpl



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Crl.O.P.(MD)No.19680 of 2024

M. NIRMAL KUMAR, J.

rpl

To

1.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

2.The Public Prosecutor,
High Court of Madras, Chennai.

CRL OP MD.NO. 19680 of 2024

23.04.2025