



Crl.O.P.(MD)No.19805 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19805 of 2024

and

Crl.M.P.(MD)Nos.12205 & 12206 of 2024

- 1.Ananthakumar
- 2.Mahendiran
- 3.Hariharan @ Hari
- 4.Aravindkumar @ Aravindh
- 5.Arun Prasath @ Arun
- 6.Saravanan @ Saran
- 7.Vignesh @ Vikki

... Petitioners

Vs.

- 1.State Rep. by,
The Inspector of Police,
E.Pudur Police Station,
Trichy District.
(Cr.No.476/2021)

- 2.Annamalai @ Sundaramoorthy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.1336 of 2023, on the file of the learned Judicial Magistrate No.II, Tiruchirappalli for the offences under Sections 147, 148, 294(b), 342, 323, 324 and 506(ii) IPC and quash the same.



Crl.O.P.(MD)No.19805 of 2024

For Petitioners : Mr.R.Tamilavan
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl., Side)
For R2 : Mr.P.Muthukumar

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No.1336 of 2023, on the file of the learned Judicial Magistrate No.II, Tiruchirappalli and quash the same.

2.The case of the prosecution is that on 03.11.2021, the 2nd respondent along with his friends went to purchase a liquor bottle in TASMACH Shop situated nearby VIP Tower, however, the shop was closed. Therefore, the 2nd respondent enquired with the 1st petitioner regarding the closure of the shop and the same is ended in wordy altercation between both of them and the 1st petitioner assaulted the 2nd respondent. Thereafter, on the next day, the 2nd respondent went to the place of the 1st petitioner and questioned about the previous occurrence. At that time, the 1st petitioner along with other petitioners attached the 2nd respondent and abused him with filthy language. Hence, the complaint has been registered against the petitioners.



Crl.O.P.(MD)No.19805 of 2024

WEB COPY

3.The learned counsel appearing for the petitioners would submit that the 2nd respondent lodged a complaint before the 1st respondent and F.I.R., was registered in Crime No.476 of 2021. After investigation, final report has been filed and the same is taken cognizance in C.C.No.1336 of 2023 on the file of the learned Judicial Magistrate No.II, Tiruchirappalli for the offences under Sections 147, 148, 294(b), 342, 323, 324 and 506(ii) IPC against the petitioners.

4.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves, for the reason that sudden wordy quarrel led to exchange of blows and it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and the 2nd respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5.A Joint Memo of Compromise filed before this Court signed by the petitioners and the 2nd respondent and their respective counsels. The petitioners and the 2nd respondent are present before this Court and they are identified by Ms.M.Annammal Rani, Sub Inspector of Police, E.Pudur Police Station, Trichy



Crl.O.P.(MD)No.19805 of 2024

District (Contact: 94981 56242) as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6.In the instant case, the dispute is of personal in nature and when the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 147, 148, 294(b), 342, 323, 324 and 506(ii) 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.

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 C.C.No.1336 of 2023 as against the petitioners pending before the learned Judicial Magistrate No.II, Tiruchirappalli, even though the offences involved are not compoundable in nature.



Crl.O.P.(MD)No.19805 of 2024

WEB COPY

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.1336 of 2023, on the file of the learned Judicial Magistrate No.II, Tiruchirappalli, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

04.12.2024

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Judicial Magistrate No.II,
Tiruchirappalli
2. The Inspector of Police,
E.Pudur Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.19805 of 2024

M.NIRMAL KUMAR, J.

Yuva

Crl.O.P.(MD)No.19805 of 2024

Dated: 04.12.2024