



Crl.O.P.(MD)No.19845 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19845 of 2024

1. Kamaraj
2. Eswari
3. Sibiraj

... Petitioners

Vs.

1. The Inspector of Police
Koombur Police Station,
Dindigul District.

2. Subramani

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.144 of 2023, on the file of the District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District, and quash the same.

For Petitioners : Mr.K.Muthu Ganesa Pandian

For R-1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R-2 : Mr.K.V.Mahesh Raja



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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.144 of 2023, on the file of the District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District, and quash the same.

2. The case of the prosecution is that the first petitioner is the son of the defacto complainant and the second and third petitioners are the daughter-in-law and grandson of the defacto complainant. The defacto complainant had purchased a garden in his name. While so, the first petitioner had demanded the defacto complainant to transfer the garden in his name. When the same was refused by the defacto complainant, the petitioners herein had abused him in filthy language and assaulted him and threatened him with dire consequences.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent



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and F.I.R. registered in Crime No.45 of 2023, after investigation, final report filed, the same taken cognizance in C.C.No.144 of 2023, on the file of the District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District, for the offences under Sections 294(b), 323, 324 , 355, 341 and 506(2) of I.P.C., 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, sudden wordy quarrel lead to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise dated 11.11.2024 filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.L.Ramachandran, Koombur Police Station, Dindigul District, as well as by the learned counsels appearing



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for the parties. This Court enquired both the parties, 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 now the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 323, 324 , 355, 341 and 506(2) of I.P.C.

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.144 of 2023 as against the petitioners pending before the District Munsif cum Judicial Magistrate, Vendasandur, Dindigul District, even though, the offences involved are not



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compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.144 of 2023, on the file of the District Munsif cum Judicial Magistrate, Veda sandur, Dindigul District, is quashed as against the petitioners and the joint compromise memo dated 11.11.2024 shall form part and parcel of this order.

18.11.2024

NCC : Yes / No
Index : Yes / No
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To

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



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M.NIRMAL KUMAR, J.

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