



Crl.O.P.(MD)No.19927 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.19927 of 2024

and

Crl.M.P.(MD)Nos.12281 & 12282 of 2024

1. Udhayarani

2. Ganesan

... Petitioners

Vs.

1. The Inspector of Police
Pappanadu Police Station,
Thanjavur District.

2. Anjammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.198 of 2024, on the file of the District Munsif cum Judicial Magistrate, Orathanadu and quash the same.

For Petitioners : Mr.G.Thalaimuthurasu

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

For R-2 : Mr.P.Veerapandi



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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.198 of 2024, on the file of the District Munsif cum Judicial Magistrate, Orathanadu, and quash the same.

2. The case of the prosecution is that on 25.05.2019 at about 11.00 a.m., while the defacto complainant was on way to her house, she found some trees, wooden log, broken stones, broken tube light particles and broken liquor bottles on the pathway. When she tried to remove the same, the petitioners abused the defacto complainant in filthy language and attacked her with iron rod and stone and caused injury.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.118 of 2019, after investigation, final report filed, the same taken cognizance in C.C.No.198 of 2024, on the file of the District Munsif cum Judicial Magistrate, Orathanadu, for the offences under Sections 341, 294(b), 323, 324 and 506(ii) of I.P.C.,



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against the petitioners.

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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.

5. A Joint Memo of Compromise dated 18.11.2024 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.C.Kamaraj, Pappanadu Police Station, Thanjavur District, as well as by the learned counsels appearing 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 341, 294(b), 323, 324 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 C.C.No.198 of 2024 as against the petitioners pending before the District Munsif cum Judicial Magistrate, Orathanadu, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.198 of 2024, on the file of the District Munsif cum Judicial Magistrate, Orathanadu, is quashed as against the petitioners and the joint compromise memo dated 18.11.2024 shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
jbr

18.11.2024



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WEB COPY To

- 1.The Inspector of Police
Pappanadu Police Station,
Thanjavur 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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