



Crl.O.P.(MD)No.20502 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20502 of 2024
and Crl.M.P(MD) No.12658 of 2024

Duraipandi

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Melapalayam Police Station,
Tirunelveli District,
Crime No.193 of 2024..

2. Muthukumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in Crime no.192 of 2024 on the file of the 1st respondent police and to quash the same in so far as the Petitioner/Accused.

For Petitioner : Mr.S.P.Naveenkumar

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)



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For R2

: Mr.P.Veerapandi

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.193 of 2024 on the file of the first respondent Police.

2.The case of the prosecution is that on 29.06.2024, the accused person abused and assaulted the defacto complainant on account of wordy quarrel arose between them. Hence this present case.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioners 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.193 of 2024, dated 29.06.2024 for the offences under Sections 341, 294(b), 323, 427, 506(i), 379 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



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the dispute amicably among themselves.

5.A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by the respondent 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, it is a case and case in counter 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 341, 294(b), 323, 427, 506(i), 379 IPC.



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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 Crime No.193 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.193 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

25.11.2024

NCC : Yes / No
Index : Yes / No
PNM



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To

1. The Inspector of Police
Melapalayam Police Station,
Tirunelveli District. Crime No.193 of 2024.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.20502 of 2024
and Crl.M.P(MD) No.12658 of 2024

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