



WEB COPY



Crl.O.P.(MD)No.20113 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.20113 of 2024

Aswin Nixon Raj

... Petitioner

-Vs-

1.The State of Tamil Nadu,
The Sub Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
In Crime No.207 of 2024

2.Iniyavan

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records in Crime No.207 of
2024 dated 29.05.2024 on the file of the first respondent and quash the
same.

For Petitioner : Mr.R.Jenifar Bibin

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side)

For R2 : Mr.S.Jesuraj



WEB COPY



Crl.O.P.(MD)No.20113 of 2024

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.207 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that on 28.05.2024, while the defacto complainant was driving his car, the petitioner came from the opposite side and dashed against the defacto complainants' car and caused injuries to the defacto complainant. Hence, the defacto complainant lodged a complaint under Sections 279, 337 and 338 IPC.

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.207 of 2024, dated 29.05.2024 for the offences under Sections 279, 337 and 338 of IPC against the petitioner.

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.



WEB COPY

5. A Joint Memo of Compromise, dated 19.11.2024, 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 Mr.D.Nithiya, SI of Police, Eruvadi Police Station, Tirunelveli District as well as by the learned counsel 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. The High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

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



Crl.O.P.(MD)No.20113 of 2024

in keeping the proceedings in Crime No.207 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.207 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 19.11.2024, shall form part and parcel of this order. In view of the order passed in this petition, the other consequential proceedings with regard to the present case is also closed.

20.11.2024

Index : Yes/No

Internet : Yes/No

ta

To

- 1.The Sub Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.20113 of 2024



WEB COPY



Crl.O.P.(MD)No.20113 of 2024

M.NIRMAL KUMAR,J.

ta

Crl.O.P(MD)No.20113 of 2024

20.11.2024