



Crl.O.P.(MD)Nos.20364 & 20422 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.20364 & 20422 of 2024

1.Uma Maheswaran
2.Thangeeswaran
3.Kaleeswaran

... Petitioners
in Crl.O.P.(MD)No.20364 / 2024

1.Sakthivel
2.Ganesan
3.Ajithkumar
4.Sivaraj

... Petitioners
in Crl.O.P.(MD)No.20422 / 2024

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Cr.Nos.430 & 429 /2024)

... 1st respondent in both Crl.O.Ps.

2.Sakthivel

... 2nd Respondents
in Crl.O.P.(MD)No.20364 / 2024

2.Uma Maheswaran

... 2nd respondent
in Crl.O.P.(MD)No.20422 / 2024

COMMON PRAYER : Criminal Original Petitions filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR made in Crime Nos.430 and 429 of 2024 on the file of the 1st respondent and quash the same with respect to the petitioners / accused by allowing these Criminal Original Petitions.



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For Petitioners : Mr.S.Vashik Ali
(in Crl.O.P.(MD)No.20364 of 2024)

For Petitioners : Mr.K.Vijay Sathiya
(in Crl.O.P.(MD)No.20422 of 2024)

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl., Side)
(in both Crl.O.Ps.)

For R2 : Mr.K.Vijay Sathiya
(in Crl.O.P.(MD)No.20364 of 2024)

For R2 : Mr.S.Vashik Ali
(in Crl.O.P.(MD)No.20422 of 2024)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the FIRs in Crime Nos.430 & 429 of 2024 dated 10.10.2024 for the alleged offences under Sections 191(2), 126(2), 296(b), 118(1) and 351(3) BNSS on the file of the 1st respondent police and quash the same.

2.The case of the prosecution in Crl.O.P.(MD)No.20364 of 2024 is that on 09.10.2024, at about 09.30 p.m., when the 2nd respondent came to Mangapuram Junction in a two wheeler, the petitioners restrained the 2nd respondent and used filthy language with dare consequences. The 2nd



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respondent reported the same to his father, who in turn came to the spot and enquired the same with the petitioners. At that time, the petitioners attacked the father and the brother of the 2nd respondent by using stones, thereby, therefore, they admitted in the hospital. Hence, the complaint has been registered against the petitioners.

3.The case of the prosecution in Crl.O.P.(MD)No.20422 of 2024 is that on 09.10.2024, at about 08.50 p.m., the 1st petitioner had driven his two wheeler in a rash and negligent manner, which was cautioned by the 2nd respondent and therefore, there was a wordy quarrel between them. The 1st petitioner reported the same to his father, who in turn came to the spot with his sons and enquired the same with the 2nd respondent. At that time, the petitioners scolded the 2nd respondent with filthy language and attempted to attach him. Hence, the complaint has been registered against the petitioners.

4.The learned counsel appearing for the petitioners would submit that this is the case in counter case and two FIRs have been registered in Crime Nos. 430 and 429 of 2024, for the alleged offences under Sections 191(2), 126(2), 296(b), 118(1) and 351(3) BNSS.



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5.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves and they are agreeing to withdraw the complaint and not willing to pursue the cases.

6.Two Joint Memo of Compromise are filed before this Court signed by the parties and their respective counsels. The parties are present before this Court, identified by Ms.L.Thangam, Special Sub Inspector of Police, (Contact: 83000 69470) Srivilliputhur Town Police Station, Virudhunagar District, 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.

7.When the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 279 and 337 IPC.

8.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***



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SCC 641 was taken into consideration.

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9.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 FIRs in Crime Nos.430 and 429 of 2024 dated 10.10.2024 as against the petitioners pending before the respondent police, even though the offences involved are not compoundable in nature.

10.Accordingly, these Criminal Original Petitions are allowed and the FIRs in Crime Nos.430 and 429 of 2024 dated 10.10.2024 on the file of the respondent police, are quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

29.11.2024

NCC : Yes / No
Index : Yes / No

Yuva

To

1.The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

2.The Additional Public Prosecutor,



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Madurai Bench of Madras High Court,
Madurai.

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M.NIRMAL KUMAR, J.

Yuva

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