



Crl.O.P.(MD)No.20336 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20336 of 2024

1. C.Balaji

2. C.Rathieswaran

... Petitioners

Vs.

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

2. V.Murugesan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the the case in Crime No.590 of 2024 on the file of the first respondent police and quash the same against the petitioners.



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For Petitioners : M/s.D.Lakshmipathy
For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)
For R-2 : Mr.M.Silambarasan

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.590 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that on 13.10.2024 at about 10.00 a.m., the petitioners without any signal turned the car on right-hand side, at that time, the defacto complainant's two-wheeler hit the car of the accused persons and he fell down. When the same was questioned by the defacto complainant, the accused persons abused the defacto complainant in filthy language and assaulted him and also threatened him with dire consequences. Hence this present case.



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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.590 of 2024, dated 13.10.2024 for the offences under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, 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 the dispute amicably among themselves.

5. A Joint Memo of Compromise dated 21.11.2024 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 Inspector of Police, Oddanchatram Police Station, Dindigul District, 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



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themselves.

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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 power to quash the complaint for the offences under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023.

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.590 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



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as a sequel, the proceedings in Crime No.590 of 2024 on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 21.11.2024, shall form part and parcel of this order.

22.11.2024

NCC : Yes / No
Index : Yes / No
jbr

To

- 1.The Inspector of Police,
Oddanchatram 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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