



Crl.O.P.(MD)No.20186 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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- 1.Muthuramalingam
- 2.Ramar
- 3.Malaisamy
- 4.Muthuselvam @ Muthamil Selvan
- 5.Jegadeesan @ Jegadeeswaran
- 6.Kottaimuthu
- 7.Mari

... Petitioners

Vs.

- 1.The State of Tamilnadu,
By the Inspector of Police,
Abiraman Police Station,
Ramanathapuram District.
(Crime No.67 of 2011)

- 2.Lakshmanan
- 3.Raguraman
- 4.Rajamanickam
- 5.Gomathi
- 6.Bala @ Balamurugan
- 7.Moorthy

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet in S.C.No.106 of 2023 on the file of the Principal District Court, Ramanathapuram and Quash the same as illegal as against this Petitioner.

For Petitioners : Mr.D.Venkatesh
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R2 to R7 : Mr.T.Leninkumar

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in S.C.No.106 of 2023 on the file of the Principal District Court, Ramanathapuram.

2. The case of the prosecution is that on 07.10.2011, when the private respondents herein proceeded to worship God, the petitioners herein waylaid them, abused with filthy language, attacked the second respondent with sickle and attacked the respondents 3 to 7 with sticks and stones. A car and auto were also damaged by the petitioners. Hence, the complaint.



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3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.67 of 2011. After investigation, a final report has been filed and the same was taken cognizance in S.C.No.106 of 2023 on the file of the Principal District Court, Ramanathapuram, for the offences under Sections 147, 148, 294(b), 341, 336, 323, 324, 336, 506(ii) of I.P.C. r/w Section 3(i) of TNPPDL Act, against the petitioners.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, for the reason that sudden wordy quarrel led to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Further, there is a counter case in Crime No.68 of 2011. Now, both realized their mistakes, reconciled and second respondent is agreeing to withdraw the complaint and is not willing to pursue the case.



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5. A Joint Memo of Compromise dated 16.11.2024 is filed before this Court signed by the petitioners and the respondents 2 to 7 and their respective counsels. The petitioners and the respondents 2 to 7 are present before this Court, identified by Mr.S.Ramachandran, Special Sub Inspector of Police, (Contact : 94981 89339), Abiramam Police Station, Ramanathapuram 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.

6. In the instant case, the dispute is of personal in nature arisen out of wordy quarrel, causing damage to the auto and car, and the sudden quarrel led to exchange of blows and the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 147, 148, 294(b), 341, 336, 323, 324, 336, 506(ii) of I.P.C. r/w Section 3(i) of TNPPDL Act.

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)



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10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*

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reported in **(2017) 9 SCC 641** was 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 S.C.No.106 of 2023 as against the petitioners pending before the Principal District Court, Ramanathapuram, even though the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.106 of 2023, on the file of the Principal District Court, Ramanathapuram, is quashed as against the petitioners and the joint compromise memo dated 16.11.2024 shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
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M.NIRMAL KUMAR, J.

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To

- 1.The Principal District Court, Ramanathapuram.
- 2.The Inspector of Police,
Abiraman Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.20186 of 2024

Dated:
21.11.2024