



Crl.O.P.(MD)No.20653 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20653 of 2024
and Crl.M.P(MD).No.12761 of 2024

Malathi

... Petitioner

Vs.

1.State rep., by its
The Inspector of Police,
Keela Thooval Police Station,
Ramanathapuram District.
Crime No.162 of 2024

2.Chellaiah

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the entire records pertaining to the impugned FIR in Crime No.
162 of 2024 on the file of the first respondent and quash the same.

For Petitioners	: Mr.S.Jeyakarthik
For R1	: Mr.K.Sanjai Gandhi Government Advocate(Crl.Side) \
For R2	: Mr.M.Vasanth



Crl.O.P.(MD)No.20653 of 2024

WEB COPY

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.162 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the defacto complainant is none other than the father of petitioner. When the defacto complainant's wife was suffering due to her old age ailments, the petitioner/her daughter took her in her two wheeler, at that time, the defacto complainant's wife fell down and sustained injury and thereafter, she took to hospital, where she died. Hence this present case.

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.162 of 2024, dated 19.10.2024 for the offences under Sections 281 and 106 of BNS Act, against the petitioner.



Crl.O.P.(MD)No.20653 of 2024

WEB COPY

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 18.11.2024, 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.V.Dhinakaran, SSI of Police, Keelathooval Police Station, Ramanathapuram 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 themselves.

6. In the instant case, where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 281 and 106 of BNS Act of BNS Act.



Crl.O.P.(MD)No.20653 of 2024

WEB COPY

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.162 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.162 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 18.11.2024, shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

27.11.2024

NCC : Yes / No
Index : Yes / No
Rmk



Crl.O.P.(MD)No.20653 of 2024

WEB COPY To

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



WEB COPY



Crl.O.P.(MD)No.20653 of 2024

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.20653 of 2024

27.11.2024