



Crl.O.P.(MD)No.20792 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)No.20792 of 2024

1.Kuppar
2.Arulraj

... Petitioners

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.
(Cr.No.732/2017)

2.Indrajith

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR made in Crime No.732 of 2017 on the file of the 1st respondent registered for the offences under Sections 294(b), 341, 324, 506(ii) IPC and quash the same.

For Petitioners	: Mr.B.Arun
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl., Side)
For R2	: Mr.S.Pradap



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ORDER

WEB COPY This Criminal Original Petition has been filed to quash the FIR in Crime No.732 of 2017 dated 10.10.2017 for the alleged offences under Sections 294(b), 341, 324 and 506(ii) IPC on the file of the 1st respondent police and quash the same.

2.The case of the prosecution is that on 10.10.2017, at about 09.30 p.m., while the defacto complainant was coming near Alampatti Bus Stop, the petitioners scolded the defacto complainant by using filthy language, assaulted him and caused some injuries. Hence, the complaint has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the 2nd respondent lodged a complaint before the 1st respondent and an FIR has been registered in Crime No.732 of 2017, for the alleged offences under Sections 294(b), 341, 324 and 506(ii) IPC.

4.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Therefore, the 2nd 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 is filed before this Court signed by the petitioners and the 2nd respondent and their respective counsels. The petitioner and the 2nd respondent are present before this Court, identified by Mr.Muthu, Special Sub Inspector of Police, (Contact: 94981 98102) Nagamalai Pudukkottai Police Station, Madurai 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.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.

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* 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 FIR in



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Crime No.732 of 2017 dated 10.10.2017 as against the petitioners pending before the respondent police, even though the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.732 of 2017 dated 10.10.2017 on the file of the respondent police, is 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,
Nagamalai Pudukkottai Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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M.NIRMAL KUMAR, J.

Yuva

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