



Crl.O.P.(MD)No.21178 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21178 of 2024

1. N. Dinesh

2. Arjun

... Petitioners

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Thallakulam Police Station,
Madurai City.
Crime No.525 of 2023.

2. Devaraj

3. R.Ajithkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the proceedings in S.C.No.705 of 2023 pending on the file of the learned I Additional Sub Court, Madurai and quash the same as illegal.

For Petitioners : Mr.H.Mohammed Farook



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For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
For R2, R3 : Mr.A.Ajith Prakash

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.705 of 2023 on the file of the I Additional Sub Court, Madurai.

2. The case of the prosecution is that on account of previous enmity, on 14.05.2023 at about 01.00 p.m., when the victim/R3 and other persons were in the petrol bump, the accused persons criminally trespassed into the office and abused him in filthy language and stabbed the victim on his neck and threatened him with dire consequences. Hence, the complaint was given by the 2nd respondent.

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.525 of 2023.



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After investigation, a final report has been filed and the same was taken cognizance in S.C.No.705 of 2023 on the file of the I Additional Sub Court, Madurai, for the offences under Sections 448, 294(b), 307 and 506(ii) IPC, 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 there was a previous enmity between the parties. Now, both realized their mistakes, reconciled and second and third respondents are agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 04.12.2024 is filed before this Court signed by the petitioners and the respondents 2 and 3 and their respective counsels. The petitioners and the respondents 2 and 3 are present before this Court, identified by Ms.A.Jayalakshmi, WSSI, Tallakulam Police Station, 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



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own voluntarily without any compulsion.

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6. In the instant case, the dispute is of personal in nature arisen out of wordy quarrel 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 448, 294(b), 307 and 506(ii) 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 proceedings in S.C.No.705 of 2023 as against the petitioners pending before the I Additional Sub Court, Madurai, even though the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.705 of 2023, on the file of the I Additional Sub Court, Madurai, is quashed as against the petitioners and the joint compromise memo, shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
PNM

12.12.2024

To

1.The I Additional Sub Court, Madurai.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

Order in
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