



Crl.O.P.(MD)No.21133 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1. Murugeswari
2. Kannan
3. Marimuthu
4. Pandi
5. Thangammal
6. Moorthy
7. Pandiyammal
8. Balamurugan
9. Muthukaruppan @ Saravanakumar
10. Muthuraj
11. Asaiponnu
12. Alagarsamy
13. Poovandichi

... Petitioners

Vs



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1. The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Theppakulam Police Station,
Madurai City,
Madurai District..

2. Malaichamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned FIR in Crime No. 55 of 2024 on the file of the 1st respondent police and quash the same as illegal.

For Petitioners : M/s. Divakaran. M

For Respondents : Mr. K.Sanjai Gandhi (R1)
Government Advocate (Crl.Side)

M/s. R.MathanKumar (R2)

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.55 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that there was an enmity between the parties on account of suicide committed by the 1st



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petitioner's husband. The 1st petitioner suspected that the wife of the 2nd respondent is the main reason for her husband's suicide. On 06.02.2024, there was a wordy quarrel between the parties. In this regard, the present case in Cr.No.55 of 2024 and a case in counter in Cr.No.54 of 2024 were registered against the parties.

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.55 of 2024, dated 06.02.2024 for the offences under Sections 147, 148, 294(b), 323, 324, 506(2) IPC and 4 of TNPHW Act 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 01.12.2024, has been filed before this Court, which has been signed by the petitioners and



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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 Mr.Selvakannan, SSI, Theppakulam Police Station, Madurai 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, the dispute is of personal in nature and now the parties had compromised. It is a case and case in counter. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 147, 148, 294(b), 323, 324, 506(2) IPC and 4 of TNPHW 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)10 SCC 303* and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in *(2017) 9 SCC 641* were taken into consideration.



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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.55 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.55 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

19.12.2024

NCC : Yes / No
Index : Yes / No
PNM

To

1.The the Inspector of Police,
Theppakulam Police Station,
Madurai City,
Madurai District.

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



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M.NIRMAL KUMAR, J.

PNM

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