



Crl.O.P.(MD)No.21787 of 2024

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.21787 of 2024

Manimannan

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram District.
Crime No.11 of 2021..

2. Senthilkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the FIR in Crime No.11/2021 on the file of the 1st respondent police and quash the same as the matter is amicably settled between parties.

For Petitioner : Ms.V.Bharkavi

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R2 : Mr.P.Ramanujam



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.11 of 2021 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioner had stolen the two wheeler bearing registration No.TN 72 5111 of the second respondent. Though he searched for the same, he could not find it. 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.11 of 2021, for the offences under Section 379IPC against the petitioner.

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.



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5. A Joint Memo of Compromise, dated 10.12.2024, 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.Anandan, SSI of Police, Ramnad Town Police Station, 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 parties had compromised their dispute and vehicle also recovered. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Section 379 of 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* 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.11 of 2021, pending before the first respondent Police, even though, the offence involved is not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.11 of 2021, 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.

12.12.2024

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram District.

2. 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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