



Crl.O.P.(MD)No.21549 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21549 of 2024

1. Surya
2. Karthik
3. Gopinath
4. Neesan
5. Navin
6. Dineshkumar

... Petitioners

Vs

1. The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
Crime No.409 of 2024.

2. R.Shobana

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records connected with the case in Crime No. 409 of 2024 pending on the file of the First Respondent police station and quash the same.

For Petitioners : Mr.S.Rajasekaran



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Crl.O.P.(MD)No.21549 of 2024

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

Mr.Prasanna Kumar (R2)

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.409 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that due to previous enmity on 26.04.2024 there was a wordy quarrel between the defacto complainant's son and the first petitioner. On 27.04.2024, the accused persons came to the house of the defacto complainant, abused and attacked her and his son and also threatened with dire consequences. Hence this present case.

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.409 of 2024,



Crl.O.P.(MD)No.21549 of 2024

dated 27.04.2024 for the offences under Sections 147, 148, 294(b), 324, 506(ii) IPC and 4 of TNPHW Act, 2002 against the petitioners.

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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 19.12.2024, has been filed before this Court, which has been signed by the petitioners and 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.M.Sakthikumar, SI of Police, Thiruppalai 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



Crl.O.P.(MD)No.21549 of 2024

now the parties had compromised. 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), 324, 506(ii) IPC and 4 of TNPHW Act, 2002.

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.409 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.409 of 2024, on the file of the first respondent Police, is quashed and the terms of joint



Crl.O.P.(MD)No.21549 of 2024

compromise memo, shall form part and parcel of this order.

WEB COPY

19.12.2024

NCC : Yes / No

Index : Yes / No

PNM

To

1.The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
Crime No.409 of 2024.

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



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Crl.O.P.(MD)No.21549 of 2024

M.NIRMAL KUMAR, J.

PNM

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Crl.O.P.(MD)No.21549 of 2024

19.12.2024