



Crl.O.P.(MD)No.21212 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21212 of 2024

1.Sundarraaj @ Sundar Rajan
2.Sathish @ Sathiskumar

... Petitioners

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
(Cr.No.253 of 2021)

2.Jayakumar @ Jaikumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., @ 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR made in Crime No.253 of 2021 on the file of the 1st respondent and quash the same as illegal.

For Petitioners : Mr.P.Veerapandi

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl., Side)

For R2 : Mr.S.P.Naveen Kumar



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.253 of 2021 dated 18.06.2021 for the alleged offences under Sections 294(b) and 506(i) IPC on the file of the 1st respondent police and quash the same.

2.The case of the prosecution is that on 18.06.2021, there was a wordy quarrel between the petitioners and the defacto complainant and the petitioners scolded the defacto complainant and his son by using filthy language and threatened the defacto complainant. Hence, an FIR 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.253 of 2021, for the alleged offences under Sections 294(b) and 506(i) IPC.

4.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves for the reason that sudden wordy quarrel led to exchange of blows and it was not a premeditated



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attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and the 2nd respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5.A Joint Memo of Compromise is filed before this Court signed by the petitioners and the 2nd respondent and their respective counsels. The petitioners and the 2nd respondent are present before this Court, identified by Mr.Murugan, Special Sub Inspector of Police, (Contact: 94862 72142) Nanguneri Police Station, Tirunelveli 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 294(b) and 506(i) 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.



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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 FIR in Crime No.253 of 2021 dated 18.06.2021 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.253 of 2021 dated 18.06.2021 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.

04.12.2024

NCC : Yes / No
Index : Yes / No

Yuva

To

- 1.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Yuva

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