



WEB COPY

CrI.O.P.(MD)No.21185 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.21185 of 2024

F.Anith

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep by the Inspector of Police,
North Police Station,
Thoothukudi District.
(Crime No.347 of 2016)

2.A.Suyambulinga Raja

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records relating to the
proceedings in Crime No.347 of 2016 on the file of the first respondent
police dated 01.04.2016 and quash the same.

For Petitioner	: Mr.T.Antony Arulraj
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (CrI.Side)
For R2	: Mr.K.Pratap Sudarsan

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.347 of 2016 on the file of the first
respondent Police.



2. The case of the prosecution is that the petitioner along with his men intercepted the vehicle of the second respondent and attacked the second respondent.

3. 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.347 of 2016 for the offences under Sections 147, 148, 294(b), 352 and 506(i) IPC.

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 09.12.2024, 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.M.Maharajan, SI of Police, North Police Station, Thoothukudi District as well as by the learned counsel appearing for the parties. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves.



6. In the instant case, the petitioner is the first accused. There are totally four accused in this case. Further, the case against the other accused has been quashed by this Court. Now the petitioner and the defacto complainant compromised the matter amicably. The High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

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.347 of 2016, 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.347 of 2016, on the file of the



first respondent Police, is quashed and the terms of joint compromise memo dated 09.12.2024, shall form part and parcel of this order.

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Index : Yes/No

Internet : Yes/No

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To

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



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M.NIRMAL KUMAR,J.

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