



Crl.O.P.(MD)No.21361 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21361 of 2024

Maruthupandi

... Petitioner / A3

Vs.

1.State of Tamil Nadu, Rep by,
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.343 of 2017)

... 1st respondent / complainant

2.Sathiyaraj

... 2nd respondent / de-facto
complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for records relating to the First Information Report in Crime No.343 of 2017, dated 15.08.2017, on the file of the first respondent Police, and quash the same as illegal.

For Petitioner : Mr.S.Sukumar

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

For R2 : Mr.S.Shanmuga Sundaram



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ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the F.I.R. in Crime No.343 of 2017, dated 15.08.2017, pending on the file of the first respondent Police.

2. The case of the prosecution is that on 13.08.2017, at around 11:00 p.m., when the second respondent (de-facto complainant), along with his uncle's son, was returning home on a two-wheeler, the accused persons waylaid them. The motive for the attack was related to taking of the 'Puravi' (clay horse) during a temple festival. While so, the second accused attacked the de-facto complainant with iron rod on his head, the accused 1 and 3 pelting stones, threatened him with dire consequences. Hence, the present complaint.

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.343 of 2017,



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dated 15.08.2017, for the offences under Sections 341, 324 and 506(ii) of I.P.C. against the petitioner/A3 and the other accused.

4. The learned counsel further submitted that in this case A1 had already filed a quash petition in Crl.O.P.(MD)No.8214 of 2024 before this Court and this Court, by order dated 07.11.2019, quashed the proceedings in Crime No.343 of 2017 based on the joint compromise memo filed by the parties herein.

5. Now, a Joint Memo of Compromise, dated 26.11.2024, has been filed before this Court, which has been signed by the petitioner/A3 and the second respondent and also by their respective counsels. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.B.Kabir Oli, Special Sub-Inspector of Police, Kottampatti 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.



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6. In the instant case, the dispute is of personal in nature and 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 341, 324 and 506(ii) of I.P.C.

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.343 of 2017, 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.343 of 2017, on the file of the first respondent Police, is quashed and the terms of joint compromise



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memo dated 26.11.2024, shall form part and parcel of this order.

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NCC : Yes / No
Index : Yes / No
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To

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



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M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.21361 of 2024

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