



*Crl.O.P.(MD)No.21576 of 2024*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 13.12.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

**Crl.O.P.(MD)No.21576 of 2024**

Baskar

... Petitioner

Vs

1. The State of Tamilnadu,  
Rep. by the Inspector of Police,  
Karuppurani Police Station,  
Madurai.  
Crime No. 172/2017.

2. V.Murugan

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in C.C.No. 2119/2022 on the file of the Judicial Magistrate No.II, Madurai and quash the same as against this petitioner alone.

For Petitioner : Mr.M.Murugesan

For Respondents : Mr.A.Thiruvadi Kumar (R1)  
Additional Public Prosecutor

Mr.A.Subramanian (R2)



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## **ORDER**

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This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No.2119 of 2022, on the file of the learned Judicial Magistrate No.II, Madurai, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that due to previous enmity, on 11.05.2017 at about 05.30 p.m., the accused persons assaulted the defacto complainant with hand and knife and also threatened with dire consequences. Based on the complaint given by the defacto complaint/R2, the said case has been registered against the accused persons.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.172 of 2017, after investigation, final report filed, the same taken cognizance in C.C.No. 2119 of 2022, on the file of the learned Judicial Magistrate No.II,



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Madurai, for the offences under Sections 147, 148, 341, 324, 506(ii) IPC against the petitioner and other accused persons.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Mr.A.Murthy, SSI, Karuppayurani Police Station, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.



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6. In the instant case, the occurrence took place out of previous enmity and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 147, 148, 341, 324, 506(ii) 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.

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 C.C.No.2119 of 2022 as against the petitioner pending before the learned Judicial Magistrate No.II, Madurai, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.2119 of 2022, on the file of the learned Judicial Magistrate No.II, Madurai, is quashed as against the petitioner



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and all other accused persons and the joint compromise memo shall form part and parcel of this order.

**13.12.2024**

NCC : Yes / No  
Index : Yes / No  
PNM

To

1. The Judicial Magistrate No.II, Madurai

2. The Inspector of Police,  
Karupppaurani Police Station,  
Madurai.

Crime No. 172/2017.

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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