



Crl.O.P.(MD)No.21838 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21838 of 2024

Amanullah

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.210/2014..

2. Muhammed Shahul Hameed @ Shahul Hameed
@ Siddhiq

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the FIR in Crime No.210/2014 on the file of the 1st respondent and quash the same as against the petitioner /Sole Accused.

For petitioner : Mr.K.Khari Kharadas

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R2 : Mr.P.Praveen Kumar



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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, to quash the FIR in Crime No.210/2014 on the file of the 1st respondent as against the petitioner /Sole Accused.

2. The case of the prosecution is that the deceased is the brother of the petitioner and the defacto complainant. The deceased was travelling along with the defacto complainant and the petitioner in a Car from Tirunelveli to Nagercoil. The said Car, which was driven by the petitioner lost its control and collided with the wall of the Periyakulam Canal Bridge and front portion of the Car was damaged and the deceased inside the Car sustained injuries, subsequently, he died. Hence, the complaint was given by the 2nd respondent.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.210 of (**) 2014 under Sections 237, 339, 338 and 304(A) IPC.

4.The learned Additional Public Prosecutor submitted that in this case, after investigation, a final report has been filed and the same was taken cognizance in C.C.No. 505 of 2024 on the file of the Judicial Magistrate, Nanguneri, for the offences under Sections 237, 339, 338 and 304(A) IPC, against the petitioner.



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5. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, since the petitioner and the defacto complainant and also the deceased are brothers. Now, the second respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

6. A Joint Memo of Compromise dated 11.12.2024 is filed before this Court signed by the petitioner and the 2nd respondent and their respective counsels. The petitioner and the 2nd respondent are present before this Court, identified by Ms.T.Pitchammal, WSSI, All Women Police Station, Nanguneri 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.

7. In the instant case, the accident happened due to loss of control, which does not attribute offence of negligence act as against the petitioner and now the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 237, 339, 338 and 304(A) IPC.

8. 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



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Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat reported in (2017) 9 SCC 641

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was taken into consideration.

9. 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. 505 of 2024 as against the petitioner pending before the Judicial Magistrate, Nanguneri, even though the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No. 505 of 2024, on the file of the Judicial Magistrate, Nanguneri, is quashed as against the petitioner and the joint compromise memo, shall form part and parcel of this order.

Sd/-

Assistant Registrar

**(*)Amended as per the order of this court dated
30.01.2025 made in Crl op (MD) No.21838 of
2024.**

Sd/-

Assistant Registrar(CS III)

// True Copy //

/07/2023

Sub Assistant Registrar(CO)

PNM

<https://www.mhc.tn.gov.in/judis>



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To
To be substituted to the order which is already despatched on 22.01.2025

1.The Judicial Magistrate, Nanguneri.

2.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.210/2014.

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

+5 CC to M/s.K.KHARIKHARADAS, Advocate (SR-6499[F] dated 30/01/2025)

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12.12.2024

MGJ(08.01.2025) 5P 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023

KR/31.01.2025 5P/9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023