



Crl.O.P.(MD)No.22343 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22343 of 2024

1.Elango @ Elangovan
2.Gowtham @ Gowthaman
3.Neethi @ Needhi Devan ... Petitioners / A1 to A3

Vs.

1.State of Tamil Nadu Rep.by
The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District ... 1st Respondent /
(In Crime No.122/2024) Complainant

2.Syed Abuthair @ Syed Abdhaheer ... 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR in Crime No.122 of 2024, dated 15.05.2024, on the file of the 1st respondent Police and to quash the same as illegal.

For Petitioner : Mr.T.Veerakumar

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

For R2 : Mr.S.M.A.Jinnah



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ORDER

The petitioner, who is an accused in Crime No.122 of 2024, for the offence under Sections 143, 294(b) 448, 332, 323, 324 and 506(ii) IPC., has filed this Criminal Original Petition, seeking to quash the proceedings in Crime No.122 of 2024, on the file of 1st respondent Police.

2. Mr.T.Veerakumar, the learned counsel appearing for the petitioner would submit that the 2nd respondent / defacto complainant, who is the Secretary of Anandur Panchayat, was assaulted by the petitioner on 15.05.202 at about 7.30 a.m., when he was with his Assistant Kuppu, went to Pachanathikottai, for repairing the broken pipeline of the Panchayat, at that time, the petitioners obstructed, not permitted to repair the broken pipeline, used abusive words that their land cannot be used for carrying the water pipeline to deprived community people. Thereafter, the defacto complainant has come to the office of VAO at about 12.10 p.m. The petitioners along with five others forcibly entered into the VAO office, damaged the door with stick and knife had assaulted the defacto complainant, the defacto complainant fainted and fell down. The VAO Gunasekaran, come to the defacto



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complainant's rescue, took him to the Hospital and from there information sent to the Police and the Police registered the case. The contention of the petitioner is that, since the petitioners objected for the pipeline taken through the petitioners' land, which caused damage to the properties and their restrain now termed as assault made by the petitioners.

3.Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.side) for the 1st respondent Police would submit that on the complaint of the defacto complainant, who is the Secretary of the Panchyat, a case has been registered. The statement of VAO confirms the assault.

4. The learned counsel appearing for the petitioners and the 2nd respondent / defacto complainant appeared before the Court and submitted that the issue has been resolved between them and the defacto complainant, on the explanation given by the petitioners agreed to withdraw the complaint and filed an affidavit to that effect.



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5. A Joint Memo of Compromise, dated 18.12.2024, has been filed before this Court, which has been signed by the petitioners and the 2nd respondent and also by their respective counsels. The petitioners and the 2nd respondent were also present in person before this Court and they were identified by 1st respondent Police as well as the by learned counsels appearing for the respective parties. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, the parties have compromised the dispute between themselves. Since the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 143, 294(b) 448, 332, 323, 324 and 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.



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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 proceedings in Crime No.122 of 2024, on the file of 1st respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.122 of 2024, on the file of 1st respondent Police, is quashed as against the petitioners and the Joint Compromise Memo, dated 18.12.2024, shall form part and parcel of this order.

20.12.2024

NCC : Yes / No
Index : Yes / No
smn2 / mpk

To

- 1.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram 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.22343 of 2024

Dated: 20.12.2024