



Crl.O.P.No.5397 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5397 of 2025

1. Sankar
2. Vignesh
3. Manikandan
4. Sukumar
5. Varun Kishore

... Petitioners

Vs.

1. The State through
The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
(Crime No.51 of 2024)

2. Anbazhagan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to final report dated 29.04.2024 in C.C.No.431 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Nagapattinam District and quash the same as compromise in respect of the petitioners/Accused Nos.3 to 7.

For Petitioners : Mr.S.Mohamed Ansar

For Respondents

For R1 : Mr.K.M.D.Muhilan

Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.431 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Nagapattinam District, thereby taken cognizance for the offences under Sections 457, 380, 414 of IPC.

2. Pending this petition, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Compromise Memo has been filed before this Court, which has been signed by the petitioner and the defacto complainant and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. 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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4. Under such circumstances, no useful purpose will be served in keeping the proceeding pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in C.C.No.431 of 2024 pending trial on the file of the learned District Munsif cum Judicial Magistrate, Nagapattinam District

5. In view of the above, the proceedings in C.C.No.431 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Nagapattinam District, is hereby quashed as against the petitioners alone. The Trial Court is directed to proceed with the trial as against the other accused persons. The terms of Compromise Memo shall form part and parcel of this Order. The petitioners shall pay a sum of Rs.2,000/-, (Rupees two Thousand only) each as costs, to the Chief Justice Relief Fund, Tamil Nadu, forthwith and file a photocopy of the receipt along with a memo reporting compliance in the Registry.



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WEB COPY 6. Accordingly, the Criminal Original Petition stands allowed.

28.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts

To

1. The District Munsif cum Judicial Magistrate,
Nagapattinam District.

2. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts

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