



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.154 of 2025

1.Arichandran

2.Thalavai

... Petitioner

-Vs-

1.The State rep by its,
Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(In Crime No.637 of 2024)

2.Sarathkumar

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records relating to First
Information Report in Crime No.637 of 2024 dated 19.12.2024 on the
file of the Inspector of Police, Thalaiyuthu Police Station, Tirunelveli
District and quash the same as against the petitioners.

For Petitioners	: Mr.S.Sundarapandian
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mrs.R.Pavatharani

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No. 637 of 2024 on the file of the first
respondent Police.



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2. The case of the prosecution is that there is some money dispute between the petitioners and the defacto complainant. In this regard, the petitioners are said to have threatened the defacto complainant with dire consequences.

3. The learned counsel appearing for the petitioners 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.637 of 2024 for the offences under Sections 296(b), 308(4), 351(3) of BNS.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Ms.A.Chrisy, WSSI of Police, Thalaiyuthu Police Station, Tirunelveli District as well as by the learned counsel 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, there is a business transaction between the petitioners and the defacto complainant. Now the parties compromised the matter amicably. The High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

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.637 of 2024, 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.637 of 2024, on the file of the



first respondent Police, is quashed and the terms of joint compromise
memo shall form part and parcel of this order.

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Index : Yes/No

Internet : Yes/No

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To

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



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M.NIRMAL KUMAR,J.

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