



Crl.O.P.(MD)No.1970 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Praveen
2.Rajeshkumar
3.Saravanan
4.Chandru
5.Thavaselvan
6.Santhosh
7.Suriya @ Mohan Kumar
8.Subash
9.Hari @ Hariharan

... Petitionersa

Vs.

1.State rep., by
The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
Crime No.345 of 2023

2.Malarmannan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the case in S.C.No.166 of 2024 on the file of the learned III Additional District and Sessions Judge, Tiruchirappalli and quash the same as illegal.



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For Petitioner : Mr.K.Ramar
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)
For R2 : Mr.Banu Prasanth

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in S.C.No.166 of 2024 on the file of the learned III Additional District and Sessions Judge, Tiruchirappalli, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that when the defacto complainant made arrangement for Vinayagar procession in his village, at that time, the accused persons had driven the car in a rash and negligent manner and the same was questioned by one Punniyakumar and his friend, there was altercation arose between them. When the defacto complainant tried to compromise them, the accused persons assaulted and threatened the defacto complainant. Hence, the complaint.



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3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.345 of 2023, after investigation, final report filed, the same taken cognizance in S.C.No.166 of 2024 by the learned III Additional District and Sessions Judge, Tiruchirappalli, for the offences under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of I.P.C., against the petitioners.

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 petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.B.Amuthavalli, WHC, Thuraiyur 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



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settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of I.P.C.

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 S.C.No.166 of 2024 as against the petitioners pending before the learned III Additional District and Sessions Judge, Tiruchirappalli, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.166 of 2024 on the file of the learned III Additional District and Sessions Judge, Tiruchirappalli, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

30.01.2025

NCC : Yes / No

Index : Yes / No

Rmk

To

1.III Additional District and Sessions Judge, Tiruchirappalli.

2.The Inspector of Police,
Thuraiyur Police Station,
Tiruchy District.

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



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M.NIRMAL KUMAR, J.

Rmk

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