



Crl.O.P.(MD)No.613 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Rajesh
2.Palani
3.Manikandan
4.Arumugam @ Kalagapuli
5.Chandramohan
6.Sathish @ Sathishkumar

... Petitioners

Vs.

1.State rep. ,by
The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
Crime No.119 of 2018

2.Vinoth Raja
3.Mari @ Mariyammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned charge sheet in S.C.No.221 of 2023 on the file of the Principal District and Sessions Judge, Ramanathapuram, Ramanathapuram District, in FIR in Crime No. 119 of 2018 dated 09.11.2018 on the file of the first respondent and quash the same in so far as the petitioners are concerned.



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For Petitioners : Mr.K.Yasar Arafath
For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R2 : Mr.J.Mohamed Ibrahim

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.221 of 2023 on the file of the Principal District and Sessions Judge, Ramanathapuram, Ramanathapuram District and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant, attacked him and third respondent and also, damaged his bike. Hence, the case.

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.119 of 2018, after investigation, final report filed, the same taken cognizance in S.C.No.221 of 2023 on the file



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of the Principal District and Sessions Judge, Ramanathapuram, Ramanathapuram District, for the offences under Sections 147, 148, 294(b), 324 and 506(2) of IPC and Section 3 of TN Public Property (Prevention of Damage and Loss) Act and Section 4 of TN Prohibition of Harassment of Women Act, 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 Ms.S.Jane Reeta, SSI of Police, Nainarkovil Police Station, Ramanathapuram District, 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 settlement between themselves on their own voluntarily without any compulsion.



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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), 324 and 506(2) of IPC and Section 3 of TN Public Property (Prevention of Damage and Loss) Act and Section 4 of TN Prohibition of Harassment of Women Act.

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.221 of 2023 on the file of the Principal District and Sessions Judge, Ramanathapuram, Ramanathapuram District, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.221 of 2023 on the file of the Principal District



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and Sessions Judge, Ramanathapuram, Ramanathapuram District, is
quashed as against the petitioners and the joint compromise memo shall
form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
Rmk

23.01.2025

To

- 1.The Principal District and Sessions Judge,
Ramanathapuram, Ramanathapuram District.
- 2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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