



Crl.O.P.(MD)No.884 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.884 of 2025

- 1.Ashief @ Ashief Ahammed
- 2.Tharik @ Mohamed Thariq
- 3.Rahuman @ Abdul Rahman
- 4.Akbar @ Akbar Ali
- 5.N.Bilal

... Petitioners

Vs.

- 1.State rep.,
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
Crime No.280 of 2024

- 2.Zahik Hussain

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the first information report in Crime No.280 of 2024 dated 07.09.2024 on the file of the first respondent the Inspector of Police, Thilagar Thidal Police Station, Madurai District and quash the same.

For Petitioners : Mr.J.Mohamed Ibrahim

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



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Crl.O.P.(MD)No.884 of 2025

For R2

: Mr.K.Yasar ARafath

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.280 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that two persons came in the Bazar, out of which one person came to the defacto complainant's mobile shop and another person came to the petitioners' shop. A person, who came to the defacto complainant's shop, called another person, who came to the petitioners shop, to the defacto complainant's shop. Hence, the petitioners abused the defacto complainant, assaulted and also threatened. The defacto complainant was sustained injury. Hence, the case.

3. When the matter is taken up for hearing today, 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.280 of 2024, dated 27.06.2024 for the offences under Sections 147, 294(b), 323, 324 and 506(2) of IPC against the petitioners.



Crl.O.P.(MD)No.884 of 2025

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, dated 22.01.2025, 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 Mr.M.Balasubramanian, SSI of Police, Thilakar Thidal Police Station, Madurai District, as well as by the learned counsels 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.

6. In the instant case, where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 147, 294(b), 323, 324 and 506(2) of 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



Crl.O.P.(MD)No.884 of 2025

(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.280 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.280 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 22.01.2025, shall form part and parcel of this order.

23.01.2025

NCC : Yes / No
Index : Yes / No
Rmk



Crl.O.P.(MD)No.884 of 2025

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- 1.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.884 of 2025

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.884 of 2025

23.01.2025