



Crl.O.P.(MD)No.942 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).Nos.942 and 2579 of 2024

and

Crl.M.P(MD) Nos.603 and 1986 of 2024

Crl.O.P.(MD).Nos.942 of 2024

1. Alaguraja

2. Prabu @ Prabhu

... Petitioners/Accused Nos.1 and 2

Vs.

1.The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
Crime No.259 of 2023.

...1st Respondent/Complainant

2. Karthick

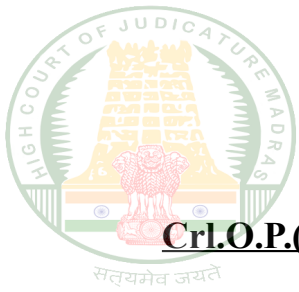
...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining to the case registered in FIR in Crime No.259 of 2023 on the file of the 1st respondent and quash the same as illegal far as the petitioners are concerned.

For Petitioners : Mr.B.Balamanikandan

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

For R2 : Mr.B.Chakkaravarthi



Crl.O.P.(MD)No.942 of 2024

Crl.O.P.(MD).Nos.2579 of 2024

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1. N.Samayamuthu

2. R.Karthick

... Petitioners/Accused Nos.1 and 2

Vs.

1.The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
Crime No.260 of 2023.

...1st Respondent/Complainant

2. P.Alaguraja

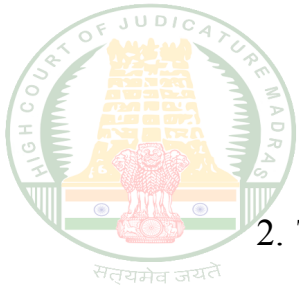
...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining to the case registered in FIR in Crime No.260 of 2023 on the file of the 1st respondent and quash the same as illegal far as the petitioners are concerned.

For Petitioners	: Mr.B.Chakkaravarthi
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl.Side)
For R2	: Mr.R.Sangeetha

COMMON ORDER

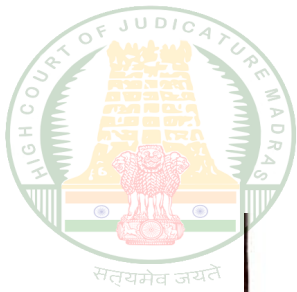
These petitions have been filed seeking to quash the FIRs in Crime Nos. 259 and 260 of 2023 on the file of the first respondent Police.



Crl.O.P.(MD)No.942 of 2024

2. The records reveal that, with regard to an incident said to have taken place on 12.11.2023 at about 7.30 p.m., the petitioner in Crl.O.P.(MD) No.942 of 2024 and the petitioners in Crl.O.P.(MD) No.2579 of 2024 had lodged complaints against each other, resulting in registration of two FIRs for the offences under Sections 294(b), 324 and 506(ii) IPC. Challenging the FIRs filed against them by the second respondent, the petitioners in both cases have sought for quashing of Crime Nos.259 and 260 of 2023 on the file of the first respondent Police.

3. It is stated that the parties to both petitions have amicably settled the dispute and filed joint compromise memos. The scanned copy of the compromise memo in Crl.O.P(MD) No.942 of 2024 read as follows:



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Crl.O.P.(MD)No.942 of 2024

MEMORANDUM OF CRIMINAL ORIGINAL PETITION
(UNDER SECTION 482 OF CR.P.C.)

&
UNDER SECTION 528 OF BNSS

**IN THE HIGH COURT OF JUDICATURE MADRAS
AT MADURAI BENCH**
(Criminal Original Jurisdiction)

Crl.O.P (MD) No. 942 of 2024
-Against-

Crime No. 259 of 2023
(On the file of the 1st Respondent Police)

1.Mr. Alaguraja (M/26 Years),
S/o. Paramasivam,
29/18, Housing Board Colony,
Mela Anupanadi,
Madurai District.

2. Mr. Prabu @ Prabhu (M/22 Years),
S/o. Paramasivam,
29/18, Housing Board Colony,
Mela Anupanadi,
Madurai District.

...Petitioners/Alleged Accused No. 1&2

-Vs-

1.State Rep. by
The Inspector of Police,
Kallupatti Police Station,
Madurai District.
(In Crime No. 259 of 2023)

...1st Respondent/Complainant

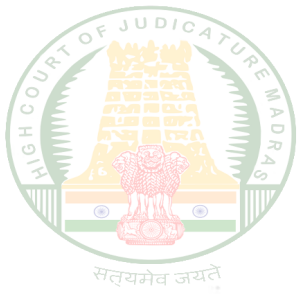
2.Mr. Karthick (M/26 Years),
S/o. Raman,
Vel Moopar Street,
T. Kallupatti,
Peraiyur (Tk),
Madurai District.

... 2nd Respondent/ Defacto Complainant

P. Karthick

P. Alagu Raja -P₁
D Prabhu -P₂

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Crl.O.P.(MD)No.942 of 2024

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JOINT COMPROMISE MEMO

It is submitted that both the parties hereby enter into a compromise and agree on the following terms: -

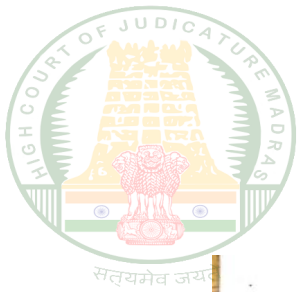
1. That the Petitioners and the 2nd Respondent are residing in the above said address.
2. **THE CASE OF PROSECUTION** is that the Defacto Complainant residing at above said address and he is doing an electrician work. On 12.11.23 at around 7.30 p.m. the Defacto Complainant and his relative one Samayamuthu S/o. Nagamalai while sitting at Kannappa Nayanar Temple the Alleged Accused Persons were sitting near the temple and drinking alcohol. Thereafter the Defacto Complainant and his relative asking about the same to the Alleged Accused Persons then the Alleged Accused No. 1 abused in filthy language and assaulted the Defacto Complainant with knife behind of his head. After that the Alleged Accused No. 2 assaulted the Defacto Complainant's relative one samyamuthu with knife left side of his chin and thereby threatened the Defacto Complainant and his relative with dare consequences. Hence an FIR has been registered as against the Petitioners/Alleged Accused Persons for alleged offences under section 294(b), 324, and 506(ii) of IPC.
3. The real fact is that no such alleged occurrence had taken place as stated as stated in the impugned chargesheet. Admittedly the petitioner herein/alleged accused person is none other than the friends of Defacto Complainant. As the matter of fact there was a small misunderstanding and a petty quarrel between the parties.

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[Handwritten mark]

P. Alagu Raja - P.

D. Prabhu - P.



Crl.O.P.(MD)No.942 of 2024

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4. That now entire dispute between the Defacto Complainant and the Petitioners had been settled amicably. Since the Defacto Complainant is not willing to proceed further as no such alleged occurrence at taken place as state in the impugned FIR, now the matter has been settled outside the court between the Petitioner and the Defacto Complainant amicably.

5. The Respondent No.2 had agreed that he will not proceed with the criminal case in First Information Report in Crime No. 259 of 2023 on the file of the 1st Respondent Police for offences punishable under sections 294(b), 324, and 506(ii) of the Indian Penal Code, 1860, and he do not have any objections to quash the same.

6. That now both the Defacto Complainant and the Petitioners of the instant quash petition settled their entire dispute amicably. Hence, the Impugned First Information Report in Crime No. 259 of 2023 on the file of the 1st Respondent Police may be quashed on the ground that the matter has been settled.

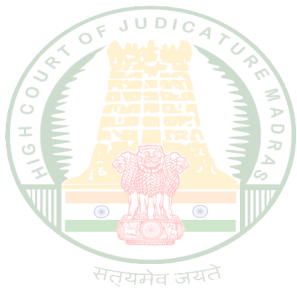
7. Now both the parties decided to withdraw all the allegations made against each other and have settled the dispute amicably in the presence of elders. Hence the impugned First Information Report in Crime No. 259 of 2023 may be quashed on the ground that the matter has been settled.

8. The instant case is covered under the decision of the Hon'ble Apex Court reported in (2017) 9 SCC 641 wherein in para 15.9 the Hon'ble Apex Court has held as follows

15.9 In such cases, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the Possibility of a conviction is remote and continuation of a criminal proceeding would cause oppression and prejudice".

R. K. Jha - P2

P. Ragu Raja - P1
D. Prabhu - P2
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Crl.O.P.(MD)No.942 of 2024

Therefore, it is most respectfully prayed that this Hon'ble Court may be pleased to record this Joint Compromise Memo as part and parcel of the quash petition and quash the Impugned First Information Report in Crime No. 259 of 2023 on the file of the 1st Respondent Police and Quash the same in respect of the Petitioners alone and thus render justice.

Dated at Madurai on this the 8th day of March, 2024.

[Signature]

Respondent No.2/
Defacto Complainant

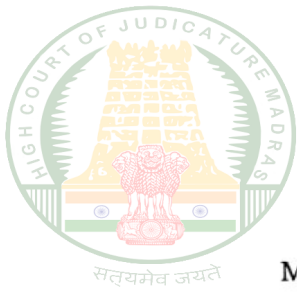
P. Alagu Rina - P1
P. Prabhug - P2

Petitioners/Alleged Accused No. 1&2

[Signature]
Counsel for 2nd Respondent
6th Lane
Chennai
cell. 91766-71811

[Signature]
Counsel for Petitioners

4. The scanned copy of the compromise memo in Crl.O.P(MD) No.2579 of 2024 read as follows:



Crl.O.P.(MD)No.942 of 2024

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MEMORANDUM OF CRIMINAL ORIGINAL PETITION UNDER
SECTION 528 OF BNSS

IN THE MADURAI BENCH OF MADRAS HIGH COURT
AT MADURAI
[Criminal Jurisdiction]

Crl.O.P.(MD)No.2579/2024

Against

Crime No.260/2023

(On the file of the Inspector of Police,
T.Kallupatti Police Station, Madurai District)

1. N.Samayamuthu, (M/44/24),
S/o.Nagamalai,
North Street,
T.Kallupatti,
Peraiyur Taluk,
Madurai District.

2. R.Karthick, (M/26 years),
S/o.Raman,
Vel Moopar Street,
T.Kallupatti,
Peraiyur Taluk,
Madurai District.

... Petitioners/Accused Nos.1 & 2

-Vs -

1.The Inspector of Police,
T.Kallupatti Police Station,
Madurai District,
(In Crime No.260/2023)

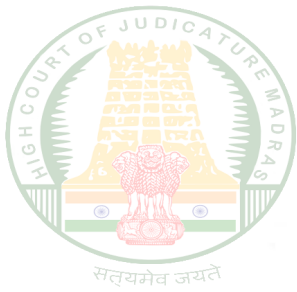
... 1st Respondent/Complainant

2. P.Alaguraja, (M/26 years),
S/o.Paramasivam,
29/18, Housing Board Colony,
Mela Anupanadi,
Madurai District.

... 2nd Respondent/Defacto Complainant

1. N. Samayamuthu

2. R. Karthick



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Crl.O.P.(MD)No.942 of 2024

JOINT COMPROMISE MEMO

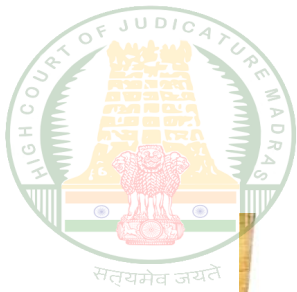
The petitioners and the 2nd respondent herein beg to submit as follows :-

1. It is respectfully submitted that at the instance of the 2nd respondent/defacto complainant, a case has been registered in Crime No.260 of 2023 on the file of the 1st respondent police against the petitioners for the offences punishable under Section 294(b), 324 and 506(ii) of IPC and arraying the petitioners as accused Nos.1 and 2.

2. It is respectfully submitted that the petitioners and the defacto complainant are known persons in the same locality. Similarly, the 2nd petitioner namely Karthick made a complaint in FIR in Crime No.259 of 2023 on the file of the 1st respondent police for the offences punishable under Section 294(b), 324 and 506(ii) of IPC. Even at the time of complaint stage there was a compromise talk is going but it was ended in vain.

3. Further, the petitioners submit that after registration of FIR on either side, both parties have resolved their differences amicably and settled the entire matter in the presence of both side mediators and elders. Now both parties don't want to proceed the matter further. The defacto complainant and the petitioners are not interested in prosecuting the case. Hence, the defacto complainant has no objection in allowing the above quash petition since the matter has been amicably settled between both.

1. P. S. S. S. S. S.
2. R. S. S. S. S.



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Crl.O.P.(MD)No.942 of 2024

4. It is further submitted that the petitioners and the 2nd respondent have decided to settle the issue amicably and the 2nd respondent willing to withdraw the complaint. Under such circumstances, the pendency of criminal case would be a hindrance to the amicable settlement between the petitioners and the 2nd respondent. Hence, the petitioners have filed the above criminal original petition seeking to quash the Charge Sheet.

For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to accept the joint compromise memorandum filed by the petitioners and the 2nd respondent on file and quash the FIR in Crime No.260 of 2023 on the file of the respondent police and thus render justice.

Dated at Madurai on this the 3rd day of September 2025

Petitioners

1. *[Signature]*

2. *[Signature]*

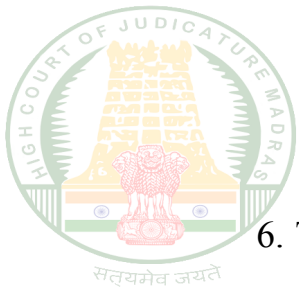
[Signature]
Counsel for Petitioners

[Signature]

2nd Respondent

[Signature] 3/4/2025
Counsel for 2nd Respondent

5. The petitioners and the defacto complainant in Crime Nos.259 and 260 of 2023 are present before this Court and have been duly identified by Mr. Ganesan, Special Sub-Inspector of Police, T. Kallupatti Police Station, Madurai District. All the parties have affirmed the compromise arrived at between them.



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6. The learned Government Advocate (Crl. Side) submits that, in respect of Crime No.259 of 2023, a Final Report has already been filed before the learned Judicial Magistrate, Peraiyur, and cognizance has been taken in C.C. No.4 of 2025.

7. In view of the compromise reached between the parties, this Court is of the view that no useful purpose would be served by keeping the FIRs and connected proceedings pending. Accordingly, the impugned FIR in Crime No. 260 of 2023 dated 13.11.2023 and the proceedings in C.C. No.4 of 2025 on the file of the learned Judicial Magistrate, Peraiyur, are hereby quashed.

8. In the result, the Criminal Original Petitions are allowed.

03.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Indu



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To



Crl.O.P.(MD)No.942 of 2024

SUNDER MOHAN, J.

Indu

1. The learned Judicial Magistrate, Peraiyur.
- 2.The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD).No.942 of 2024

03.09.2025