



Crl.O.P.(MD)No.859 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1. Sivaprakash
2. Sugumar @ Periyasamy
3. Dharmaraj
4. Rajesh
5. Chandhirasekar @ Chandrasekar
6. Periyasamy
7. Raja
8. Soman
9. Kalimuthu
10. Mayil @ Maruthai
11. Muruganantham
12. Kanagaraj

... Petitioners

Vs



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1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No. 4844/2024..

2. Raja

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned FIR in Crime No. 4844/2024 dt. 15.07.2024 on the file of the 1st respondent police and to quash the same as illegal.

For Petitioners : Mr.S.Vasuki

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

For R2 : Mr.V.Karuna

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.4844 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that due to previous enmity on 14.07.2024 at about 08.30a.m., the accused persons unlawfully assembled with deadly weapons and assaulted the defacto complainant



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and others and abused them and also pelted stones. They had also caused damages to the shop of the defacto complainant. Hence, the respondent Police has registered a case and case in counter.

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.4844 of 2024, dated 15.07.2024 for the offences under Sections 191(1), 191(3), 296(b), 118(1), 324(4), 351(3) of BNS Act r/w Section 4 of TNPHW Act, 2002 against the petitioners.

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 24.01.2025, has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The



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petitioners and the second respondent were also present in person before this Court and they were identified by Mr.R.Manikandan, SSI, Kulithalai Police Station, Karur 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, the dispute is of personal in nature and it is a case and case in counter. Now, in both the cases, the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences 191(1), 191(3), 296(b), 118(1), 324(4), 351(3) of BNS Act r/w Section 4 of TNPHW Act, 2002.

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.



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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.4844 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.4844 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.

28.01.2025

NCC : Yes / No
Index : Yes / No
PNM

To

1. The the Deputy Superintendent of Police
Kulithalai, Karur District..

2. The Inspector of Police
Kulithalai Police Station
Karur District.
Crime No. 483/2024.



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

M.NIRMAL KUMAR, J.

PNM

ORDER IN
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