



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.1219 of 2025

Jeyapaul @ Jeyabal

... Petitioner

-Vs-

1.The Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District.
(In Crime No.211 of 2024)

2.Suresh

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya Nagarik Shuraksha Sanhita, to call for records relating to the First Information Report in Crime No.211 of 2024 dated 29.11.2024 on the file of the first respondent and quash the same against the petitioner is concerned.

For Petitioner	: Mr.C.Susikumar
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Crl.Side)
For R2	: Mr.Maheswaran

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.211 of 2024 on the file of the first respondent Police.



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2. The case of the prosecution is that while the defacto complainant was in surveillance in the Vaigai dam for protecting illegal fishing, the petitioner is aid to have done fishing illegally and when the defacto complainant questioned the same, the petitioner is said to have abused and assaulted him.

3. The learned counsel appearing for the petitioner 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.211 of 2024 for the offences under Sections 296(b), 351(3), 303 (2) and 62 of BNS.

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 has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.S.Paulpandian, SSI of Police, Gandamanur Vilakku

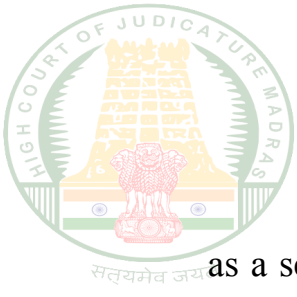


Police Station, Theni District as well as by the learned counsel appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, the dispute arose out of fishing in Vaigai dam and now the parties have compromised the matter amicably. The High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

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 Crime No.211 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.211 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.

24.01.2025

Index : Yes/No
Internet : Yes/No

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To

- 1.The Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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