



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.861 of 2025

Sathiyamoorthy

... Petitioner

-Vs-

1.State of Tamil Nadu through
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(In Crime No.82 of 2019)

2.Kalidoss

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the entire records connected with
the case in Crime No.82 of 2019 pending on the file of the first
respondent police station and quash the same insofar as the petitioner is
concerned.

For Petitioner	: Mr.S.Malaikani
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mr.Raja

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.82 of 2019 on the file of the first
respondent Police.



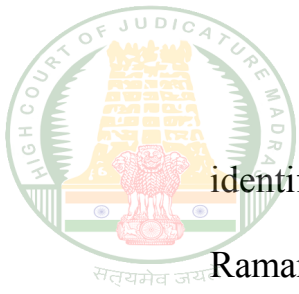
2. The case of the prosecution is that on 19.05.2019 at about 08.00 p.m., some of the persons were creating unwanted noise at E.C.R. Road.

When the same was questioned, there was a quarrel between two villagers. Keeping this mind, the petitioner along with other accused persons are said to have attacked the defacto complainant.

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.82 of 2019, dated 20.05.2019 for the offences under Sections 147, 148, 294(b), 323, 324, 435, 307 of IPC and Sections 3 and 4 of the Tamil Nadu Prohibition of Property (Prevention of Damage and Loss) Act, 1992.

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.P.Babu, SSI of Police, Bazaar Police Station, Ramanathapuram 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 petitioner is the college student. There are totally 28 accused persons in this case. Due to previous enmity, the occurrence had taken place. Now they 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.82 of 2019, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.82 of 2019, on the file of the first respondent Police, is quashed as against the petitioner and the terms of joint compromise memo shall form part and parcel of this order. Since it is represented that the investigation in this case has been completed and charge sheet has also been filed through e-filing, the consequential proceedings as against the petitioner also stands quashed in view of the quashment of FIR against the petitioner herein.

29.01.2025

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram 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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