



Crl.O.P.(MD)No.1237 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1237 of 2025

1.Lingeshwaran @ M.Lingesh
2.D.Jeyasheelan
3.Gokul @ Gokulakrishnan
4.S.Sudhan @ Sudhankumar
5.K.Sugadeesh

... Petitioners

Vs.

1.The State rep., by its
The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
Crime No.109 of 2024

2.Athithya

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to Crime No.109 of 2024 dated 12.12.2024 on the file of S.S.Kottai Police Station, Sivagangai District and quash the same.

For Petitioners : Mr.A.Subramanian



WEB COPY



Crl.O.P.(MD)No.1237 of 2025

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

For R2 : Mr.B.Poovarasana

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.109 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that on 09.12.2024 there was Kabadi match between two teams. During the match, there was wordy quarrel between two groups and the petitioners attacked the defacto complainant. Hence, the complaint.

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.109 of 2024, dated 12.12.2024 for the offences under Sections 191(2), 126(2), 296(b), 115(2) and 351(2) of BNS, against the petitioners.



Crl.O.P.(MD)No.1237 of 2025

WEB COPY

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.N.Murugesan, SSI of Police, S.S Kottai Police Station, Sivagangai 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. It is also submitted that compensation has not been received.

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 191(2), 126(2), 296(b), 115(2) and 351(2) of BNS.



Crl.O.P.(MD)No.1237 of 2025

WEB COPY

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.109 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.109 of 2024, on the file of the first respondent Police, is quashed as against all the accused 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



WEB COPY



Crl.O.P.(MD)No.1237 of 2025

To

- 1.The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1237 of 2025

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.1237 of 2025

23.01.2025