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Crl.O.P.(MD)No.1331 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1331 of 2025
and Crl.M.P.(MD)No.901 of 2025

1. Abuthahir@Syed Abuthahir

2. Mohamed Sulaiman

3. Jabar@Jefersahik

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Town South,
Dindigul.
(Ref: Crime No. 312/2024)

2.Ayeeshamma

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
To call for the records pertaining to the case in Cr. No.312/2024 on the file
of the 1st respondent i.e., the Inspector of Police, Town Police Station,
Dindigul District and quash the same so far as against the petitioners are
concerned.

For Petitioners : M/s.S.Palanikumar

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

For Respondents 2 : Mr.U.Gopi



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.312 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that due to previous enmity on 13.09.2024 the accused persons came to the house of the defacto complainant, abused her in filthy language, attacked her and her husband. Hence this present case.

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.312 of 2024, dated 13.09.2024 for the offences under Sections 296(b), 115(2), 118(1) and 351(3) of BNS Act, 2023 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.



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5. A Joint Memo of Compromise, dated 27.01.2025, 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.V.Venkatakrisnan, Spl.SI, Town South, Dindigul Police Station, Dindigul 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 now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 296(b), 115(2), 118(1) and 351(3) of BNS Act, 2023.

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*



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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.312 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.312 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. Consequently, connected miscellaneous petition is closed.

31.01.2025

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



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To

1. The Inspector of Police,
Town South,
Dindigul.

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



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M.NIRMAL KUMAR,J.

PNM

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