

Crl.O.P.(MD)No.1018 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

Crl.O.P.(MD)No.1018 of 2025

M.Mariappan

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No. 635 of 2024.

2. S.Manikandan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records and quash the First Information Report in Crime No.635/2024 on the file Inspector of Police, Thalaiyathu Police Station, Tirunelveli District, for the offences punishable under Section 296(b), 308(4) and 351(3) of the BNS Act and quash the same.

For Petitioner : Mr.M.Beema Rao

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

M/s. G.Dhivya Barathi (R2)



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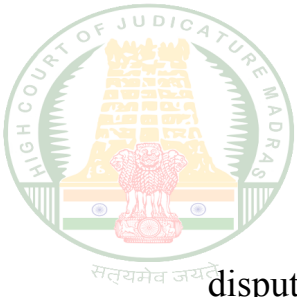
ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.635 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that on 18.12.2024, the petitioner demanded a sum of Rs.1,000/- from the defacto complainant, for that, he threatened him with knife and abused him. Hence this present case lodged by the defacto complainant.

3. When the matter is taken up for hearing today, 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.635 of 2024, for the offences under Sections. 296(b), 308(4), 351(3) of BNS Act against the petitioner.

4. The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the



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dispute amicably among themselves.

5. A Joint Memo of Compromise, dated 27.01.2025, 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.A.Chistry, SSI of Police, Thalaiyuthu Police Station, Tirunelveli 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. The defacto complainant has also received the compensation amount from the petitioner.

6. In the instant case, 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 under Sections. 296(b), 308(4), 351(3) of BNS Act.



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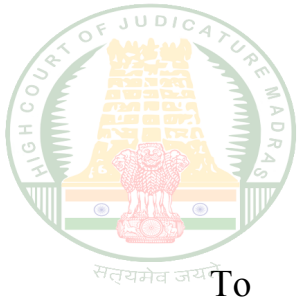
7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in *(2012)10 SCC 303* and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in *(2017) 9 SCC 641* were taken into consideration.

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.635 of 2024, pending before the first respondent Police, even though, the offence involved is not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.635 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



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To
1.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No. 635 of 2024.

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



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M.NIRMAL KUMAR, J.

PNM

Order in
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