

Crl.O.P.(MD)No.1352 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.1352 of 2025

1. S.Sudakaran
2. Rajesh Kumar
3. Disenthan

... Petitioners

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Kollidam Police Station,
Trichy. Crime No. 254/2024.

2. Sathish Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, call for the records relating to the case in Crime No. 254/2024 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.P.Sivachandran

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

For R2 : Mr.R.Paranjothi



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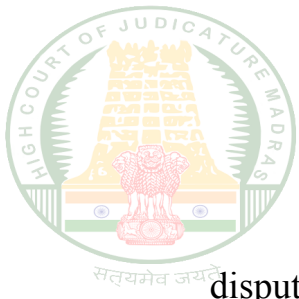
ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.254 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that due to money dispute, the defacto complainant asked the petitioners to return back the amount. At that time, the accused persons abused and assaulted the defacto complainant and also slapped him on his face. 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.254 of 2024, dated 03.12.2024 for the offences under Sections 296(b), 115(2), 118(1), 351(3) of BNS Act 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



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dispute amicably among themselves.

5. A Joint Memo of Compromise, dated 23.01.2025, 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 Ms.S.Kousalya, SSI, Kollidam Police Station, Trichy 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), 351(3) of BNS Act.

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



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(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.254 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.254 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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1. The Inspector of Police,
Inspector of Police,
Kollidam Police Station,
Trichy. Crime No. 254/2024.

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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