



Crl.O.P.(MD)No.1811 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.1811 of 2025
and Crl.M.P.(MD)No.1252 of 2025

1. Nandhakumar
2. Mohan Raj @ Mohankumar
3. Balamurugan
4. Karikalan
5. Ilavarasan
6. Logesh

... Petitioners

Vs

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Karur Rural,
Karur District.

2. The Inspector of Police,
Chinnadharapuram Police Station,
Chinnadharapuram,
Karur District.
(Crime No.97 of 2023).

3. Velmurugan

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records connected with the Impugned Charge Sheet in Spl.SC.No.16 of 2023 on the file of the Principal District Court, Karur in Crime No.97 of 2023 on the file of the Respondent No.1 and Quash the same as illegal.

For Petitioner : Dr.R.Alagumani

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

For Respondents 3 : Mr.S.Mohammed Younnis Raja

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in Spl.S.C.No.16 of 2023 on the file of the Principal District Court, Karur.

2. The case of the prosecution is that on 14.05.2024, the accused persons have abused and attacked the defacto complainant, by mentioning his caste name. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the third respondent lodged a complaint before the second



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respondent and an FIR has been registered in Crime No.97 of 2023. After investigation, a final report has been filed and the same was taken cognizance in Spl.S.C.No.16 of 2023 on the file of the Principal District Court, Karur, for the offences under Sections 294(b), 323, 324, 506(i) IPC r/w 3(1)(r)(s), 3(2)(va) of SC/ST Act and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, against the petitioners.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, for the reason that sudden wordy quarrel led to exchange of blows, it was not a premeditated attack and both parties contributed to the happenings. Now, both realized their mistakes, reconciled and third respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 28.01.2025 is filed before this Court signed by the petitioners and the third respondent and their respective counsels. The petitioners and the third respondent are present before this Court, identified by Mr.N.Gunasekaran, Special Sub



Inspector of Police, Chinna Tharapuram Police Station, Karur District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the dispute is of personal in nature arisen out of wordy quarrel and the sudden quarrel led to exchange of blows and the parties had compromised. The defacto complainant has also returned the compensation amount to the Government. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b), 323, 324, 506(i) IPC r/w 3(1)(r)(s), 3(2)(va) of SC/ST Act and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

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* was 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 Spl.S.C.No.16 of 2023 as against the petitioners pending before the Principal District Court, Karur, even though the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.16 of 2023, on the file of the Principal District Court, Karur, is quashed as against the petitioners and the 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 Principal District Judge, Karur

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Karur Rural, Karur District.

3. The Inspector of Police,
Chinnadharapuram Police Station,
Chinnadharapuram,
Karur District.

4. 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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31.01.2025