



Crl.O.P.(MD)No.1232 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1232 of 2025

Sankarakumar

... Petitioner

Vs.

1.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City, Tirunelveli District.

2.Muthuraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the FIR which was registered in Crime No.385 of 2024 on the file of the first respondent police.

For Petitioner : Mr.M.Sankar

For R1 : Mr.K.Sanjai Gandhi

Government Advocate(Crl.Side) \

For R2 : Ms.S.Vinodha



Crl.O.P.(MD)No.1232 of 2025

WEB COPY

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.385 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the defacto complainant and the petitioner are brothers. Their father had illegal relationship, due to which, there was wordy quarrel between their parents. At that time, the petitioner used filthy language against his father and with an intention to kill his father with an iron rod, knife, he attacked his father and when the same was blocked by his mother, she sustained grievous hurt. Hence, the present petition.

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.385 of 2024, dated 16.12.2024 for the offences under Sections 296(b), 118(1), 109 and 351(3) of BNS against the petitioner.



Crl.O.P.(MD)No.1232 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 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.S.Natarajan, SSI of Police, Tirunelveli Junction Police Station, 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), 118(1), 109 and 351(3) of BNS.



Crl.O.P.(MD)No.1232 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.385 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.385 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 27.01.2025, shall form part and parcel of this order.

30.01.2025

NCC : Yes / No
Index : Yes / No
Rmk



Crl.O.P.(MD)No.1232 of 2025

WEB COPY

To

- 1.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City, Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1232 of 2025

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.1232 of 2025

30.01.2025