



Crl.O.P.(MD)No.1625 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.1625 of 2025

Revathi

... Petitioner

Vs

1. State of Tamilnadu Rep. through,
The Inspector of Police,
Town North Police Station,
Dindigul District.

2. K. Murugan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
To call for the records relating to the Charge Sheet in Case No. C.C.No.
650/2016 on the file of the learned Judicial Magistrate No.II, Dindigul and
Quash the same against the petitioner's concern and thus render justice.

For Petitioner : M/s.V.Vigneswaran

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

For Respondents 2 : Mr. S.Selva Krishnan



ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in C.C.No. 650 of 2016, on the file of the learned Judicial Magistrate No.II, Dindigul, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that on 06.02.2016, the accused persons stopped the defacto complainant and abused her with filthy language, threw a stone and assaulted her with a stick. Based on the complaint given by the defacto complaint/R2, the said case has been registered against the accused person.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.315 of 2016, after investigation, final report filed, the same taken cognizance in C.C.No. 650 of 2016, on the file of the learned Judicial Magistrate No.II, Dindigul, for the offences under Sections 294(b), 323, 506(ii) IPC against the petitioner and others.



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4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise, dated 28.01.2025 filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent present before this Court, identified by Mr.Venkatakrisnan, SSI, Town South Police Station, Dindigul District as well as by the learned counsels appearing for the parties. This Court enquired both the parties, 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 occurrence took place out of previous enmity and the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 323, 506(ii) IPC.



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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 C.C.No. 650 of 2016 as against the petitioner pending before the learned Judicial Magistrate No.II, Dindigul, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No. 650 of 2016, on the file of the learned Judicial Magistrate No.II, Dindigul, is quashed as against the petitioner and all other accused persons and the joint compromise memo shall form part and parcel of this order.

31.01.2025

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



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To

1. The Judicial Magistrate No.II, Dindigul.

2. The Inspector of Police,
Town North Police Station,
Dindigul District.

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



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M.NIRMAL KUMAR,J.

PNM

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