



Crl.O.P.(MD)No.1930 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.1930 of 2025

S.B.Arvind

... Petitioner

Vs.

1.State of Tamil Nadu
through the Inspector of Police,
Thirumangalam Town Police Station,
Madurai.
Crime No.491 of 2024

2.C.Virumandi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records of Crime No.491 of 2024 dated 21.12.2024
pending before the first respondent police and quash the same as illegal.

For Petitioners : Mr.A.Mathan

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

For R2 : Ms.Nithiyadevi



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.491 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that on 20.12.2024 when the second respondent had driven auto bearing Registration No.TN 58 CZ 3984 along with her children and grandchildren, the petitioner who had driven the car bearing Registration No.TN 58 BE 1401 in a rash and negligent manner, dashed against the auto and thereby, the defacto complainant's wife and her children and grandchildren got multiple injuries. Hence, the complaint.

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.491 of 2024, dated 21.12.2024 for the offences under Sections 281 and 125(a) of BNS against the petitioner.



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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 28.01.2025, 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.P.Thangam, SSI of Police, Thirumangalam Town 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 281 and 125(a) of BNS.



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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.491 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.491 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 28.01.2025, shall form part and parcel of this order.

30.01.2025

NCC : Yes / No
Index : Yes / No
Rmk



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To
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- 1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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