

Crl.O.P.(MD)No.1548 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.1548 of 2025
and Crl.M.P(MD) No.1048 of 2025

Bhuvanesh

... Petitioner

Vs

1. The State of Tamil Nadu,,
Rep, by the Inspector of Police,
TIW- Nagercoil Police Station,
Kanyakumari District.
(Cr. No.129 of 2024).

2. Sribabu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the F.I.R. in Crime No. 129 of 2024 pending on the file of the Inspector of Police, TIW - Nagercoil Police Station, Kanyakumari District and quash the same.

For Petitioner : Mr. B.Micheal Sebastin

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

M/s. S.Pragadeeswaran (R2)



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.129 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that on 08.11.2024, the petitioner's son ride two wheeler and dashed against the 2nd respondent's vehicle, thereby, the 2nd respondent sustained injuries. Hence this present case lodged by the defacto complainant against the petitioner.

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.129 of 2024, for the offences under Section 281, 125(a) of BNS Act against the petitioner.

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.



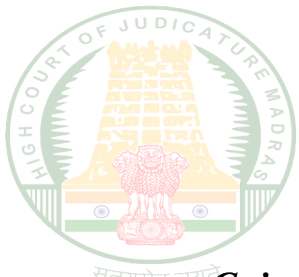
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5. A Joint Memo of Compromise, dated 28.01.2025, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.K.Varatharajan, SSI of Police, TIW, Nagercoil Police Station, Kanyakumari 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. The defacto complainant has also received the compensation amount from the petitioner.

6. In the instant case, the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Section 281, 125(a) 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 *(2012)10 SCC 303* and *Parbatbhai Aahir @ Parbatbhai Vs. State of*



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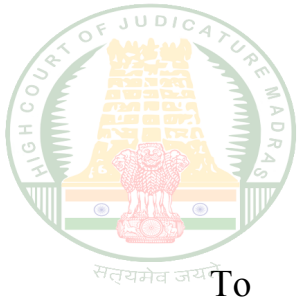
Gujarat) reported in (2017) 9 SCC 641 were taken into consideration.

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.129 of 2024, pending before the first respondent Police, even though, the offence involved is not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.129 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. Consequently, connected miscellaneous petition is closed.

28.01.2025

NCC : Yes / No
Index : Yes / No
PNM



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To
1. The the Inspector of Police,
TIW- Nagercoil Police Station,
Kanyakumari District.
(Cr. No.129 of 2024).

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



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M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.1548 of 2025
and Crl.M.P(MD) No.1048 of 2025

28.01.2025