

Crl.O.P.(MD)No.1653 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

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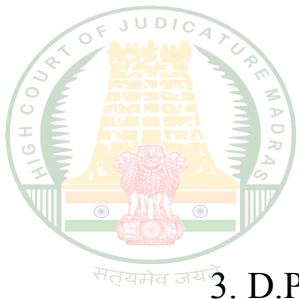
1. S.Thevar @ Vellaiyadevan
2. S.Ashok
3. M.Vetriselvam
4. V.Naveen
5. K.Nallusamy @ Thavaselvam
6. D.Bharathanesan
7. V.Nallusamy @ Nalluchamy

... Petitioners

Vs

1. The State of Tamil Nadu
Rep by the Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Melur Taluk
Madurai District.

2. The Sub Inspector of Police
Keelavalavu Police Station
Keelavalavu Melur Taluk
Madurai District.
Crime No. 458/2016.



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3. D.Pradeep

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... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in Spl.S.C.No.24 of 2022 u/s. 147, 294(b), 323 IPC r/w 3(2)(va) of SC/ST (POA) Act on the file of the Additional District Judge No.III, PCR Court, Madurai and quash the same as devoid of merits.

For Petitioners : M/s. S.Atham Ali

For Respondent : Mr.K.Sanjai Gandhi (R1,R2)
Government Advocate (Crl.Side)

M/s. P.Mani Ananth (R3)

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.24 of 2022 on the file of the Additional District Judge No.III, PCR Court, Madurai.

2. The case of the prosecution is that due to previous enmity on 13.12.2016, when the defacto complainant and his brother went to temple to worship, the accused persons quarrelled with the defacto complainant and abused him in the name of his caste and assaulted him with wooden log. Hence, the complaint.



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3. The learned counsel appearing for the petitioners would submit that the third respondent lodged a complaint before the second respondent and an FIR has been registered in Crime No.458 of 2016. After investigation, a final report has been filed and the same was taken cognizance in Spl.S.C.No.24 of 2022 on the file of the Additional District Judge No.III, PCR Court, Madurai, for the offences under Sections 147, 148, 294(b), 323, 506(ii) IPC, against the petitioners.

4.The learned Additional Public Prosecutor submitted that there are some previous cases against some of the petitioners and prays to dismiss the petition.

5.This Court had interacted with the defacto complainant and confirmed that after the incident, both the petitioners and the defacto complainant are residing in the same village and they are in good harmony and living like brothers.



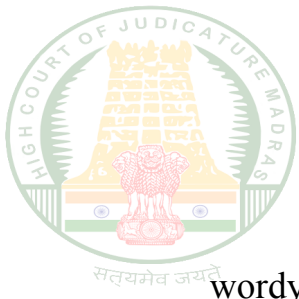
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6.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, for the reason that sudden wordy quarrel led to exchange of blows, it was not a premeditated attack 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.

7. A Joint Memo of Compromise dated 27.01.2025 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.S.Dayalan, SSI, Keelavalavu Police Station, 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.

8. In the instant case, the third respondent has not received any compensation from the Government. The dispute has arisen out of



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wordy quarrel and the sudden quarrel led to exchange of blows and the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 147, 148, 294(b), 323, 506(ii) IPC.

9. 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.

10. 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.24 of 2022 as against the petitioners pending before the Additional District Judge No.III, PCR Court, Madurai, even though the offences involved are not compoundable in nature. Moreover, though several cases are pending against some of the petitioners, pendency of this case would only cause hindrance to the harmony of their relationship, therefore, this Court is inclined to allow this petition.



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11. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.24 of 2022, on the file of the Additional District Judge No.III, PCR Court, Madurai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

28.01.2025

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Additional District Judge No.III, PCR Court, Madurai

2. Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Melur Taluk
Madurai District.

3. The Sub Inspector of Police
Keelavalavu Police Station
Keelavalavu Melur Taluk
Madurai District.
Crime No. 458/2016.

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



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M.NIRMAL KUMAR, J.

PNM

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