

Crl.O.P.(MD)Nos.1564 of 2025 & 1568 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)Nos.1564 of 2025 & 1568 of 2025

Saivaraj @ Sivaraj

... Petitioner in Crl.O.P(MD) No.1564 of 2025

1. M. Karupaiah

2. K. Amutha

3. Vicky @ Vignesh

4. Saravanan

5. Easwaran

6. Palani @ Palanibharathi

7. Sekar

8. Senthilkumar

9. Rathakrishnan

10. Shanmugam @ Karpagaselvan

11. Senthilkumar

12. Manikandan

... Petitioners in Crl.O.P(MD) No.1568 of 2025



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Vs

1. The State of Tamilnadu
Rep. by the Inspector of Police
Alangudi Police Station
Pudukottai District.
Crime No. 157/2024.

2. Villiyam @ William

... Respondents in both petitions

COMMON PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in impugned FIR in Crime No. 157 of 2024 on the file of 1st respondent dated 08.04.2024 and quash the same as illegal.

In both petitions:

For Petitioners : Mr.K.Jeyamohan

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

For R2 : Mr.C.Susikumar

COMMON ORDER

These Criminal Original Petitions have been filed to quash the First Information Report in Crime No.157 of 2024 on the file of the first respondent Police.



Crl.O.P.(MD)Nos.1564 of 2025 & 1568 of 2025

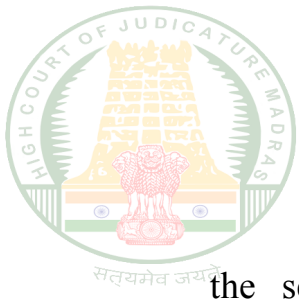
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2. The case of the prosecution is that on 20.06.2024 at about 05.00p.m., the accused persons criminally trespassed into the house of the defacto complainant and kidnapped his daughter and further, they detained the defacto complainant in illegal custody, assaulted and threatened him with dire consequences. Hence this present case.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners 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.157 of 2024, for the offences under Sections 147, 294(b), 448, 323, 324 and 506(ii) IPC against the petitioners.

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 petitioners and



Crl.O.P.(MD)Nos.1564 of 2025 & 1568 of 2025

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the second respondent and also by their respective counsel. The petitioner in Crl.O.P(MD) No.1564 of 2025 is residing in Singapore appeared through Video Conference. The petitioners in Crl.O.P(MD) No. 1568 of 2025 and the second respondent were also present in person before this Court and they were identified by the respondent police 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 147, 294(b), 448, 323, 324 and 506(ii) IPC.

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.



Crl.O.P.(MD)Nos.1564 of 2025 & 1568 of 2025

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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.157 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime No.157 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.

28.01.2025

NCC : Yes / No
Index : Yes / No
PNM

To
1. The Inspector of Police
Alangudi Police Station
Pudukottai District.
Crime No. 157/2024.

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

M.NIRMAL KUMAR, J.



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Crl.O.P.(MD)Nos.1564 of 2025 & 1568 of 2025

PNM

COMMON ORDER IN
Crl.O.P.(MD)Nos.1564 of 2025 & 1568 of 2025

28.01.2025