



Crl.O.P.(MD)No.2094 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.2094 of 2025
and Crl.M.P.(MD)No.1416 of 2025

Manimaran

... Petitioners

Vs

1. The State of Tamil Nadu rep by
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No. 76/2013)

2. Aasaithambi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
To call for the records pertaining to the charge sheet in C.C.No. 407 of
2023 on the file of the District Munsif cum Judicial Magistrate court,
Kariapatti, Virudhunagar District and Quash the same as Illegal.

For Petitioner : Dr.S.T.Sasidharan Tamilkani

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

For Respondents 2 : Ms.D.Saranya



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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. 407 of 2023, on the file of the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that on 02.04.2023 at about 05.10 p.m., the accused person drove his two wheeler rashly and dashed against the defact complainant, thereby caused injury to him. The accused had also abused the defacto complainant with filthy language, threatened him with dire consequences. Based on the complaint given by the defacto complaint/R2, the said case has been registered against the accused persons.

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.76 of 2023, after investigation, final report filed, the same taken cognizance in C.C.No. 407 of 2023, on the file of the learned Judicial Magistrate No.II,



Virudhunagar, Virudhunagar District, for the offences under Sections 279, 294(b), 323, 506(2) IPC against the petitioner and others.

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 30.01.2025 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.S.Babu Rajendiran, SSI, Kariyapatti Police Station, 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 279, 294(b), 323, 506(2) 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.

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. 407 of 2023 as against the petitioner pending before the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, 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. 407 of 2023, on the file of the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, is quashed as against the petitioner and all other accused persons and the joint



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compromise memo shall form part and parcel of this order. Consequently,
connected miscellaneous petition is closed.

31.01.2025

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

To

1. The Judicial Magistrate No.II, Virudhunagar

2. The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

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



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M.NIRMAL KUMAR,J.

PNM

ORDER IN
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31.01.2025