



Crl.O.P.(MD)No.1801 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.1801 of 2025

Vellaidurai Pandi

... Petitioner

Vs.

1.State rep., by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
Crime No.349 of 2024

2.Vinithi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the entire records relating to the charge sheet in CC.No.386 of 2024 on the file of the learned Judicial Magistrate No.I, Kovilpatti and quash the same.

For Petitioner : Mr.J.Velmurugan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

For R2 : Mr.S.Saravanan



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ORDER

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This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to call for the records in CC.No.386 of 2024 on the file of the learned Judicial Magistrate No.I, Kovilpatti, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbors. There was wordy quarrel between them, at that time, the petitioner assaulted the defacto complainant using wooden stick. Hence, the complaint.

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.349 of 2024, after investigation, final report filed, the same taken cognizance in C.C.No.386 of 2024 by the learned Judicial Magistrate No.I, Kovilpatti, for the offences under Sections 296(b) and 115(2) of BNS, against the petitioner.



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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 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.M.Sivakumar, SSI of Police, Kovilpatti 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, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 296(b) and 115(2) of BNS.

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)



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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.386 of 2024 as against the petitioner pending before the learned Judicial Magistrate No.I, Kovilpatti, 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.386 of 2024 on the file of the learned Judicial Magistrate No.I, Kovilpatti, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

30.01.2025

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NCC : Yes / No

Index : Yes / No

Rmk



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To
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- 1.The Judicial Magistrate No.I, Kovilpatti.
- 2.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

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