



Crl.O.P.(MD)No.1835 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.1835 of 2025
and Crl.M.P(MD).Nos.1277 and 1278 of 2025

1.Sathamhussain
2.Syed Maktoum
3.Shaik Hussain
4.Batchamaideen
5.Sahabudeen

... Petitioners

Vs.

1.State rep., by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.242 of 2009

2.Senthilkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the entire records pertaining to charge sheet in S.C.No.204 of 2017 on the file of the learned Subordinate Judge, Pattukottai, Thanjavur District and quash the same in so far as the petitioners are concerned.

For Petitioner	: Mr.M.Seeni Sulthan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (crl.side)
For R2	: Mr.B.Gokul



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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 S.C.No.204 of 2017 on the file of the learned Subordinate Judge, Pattukottai, Thanjavur District, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the defacto complainant and one Imam Beevi were in love with each other. This being so, on 02.08.2009, they were found traveled together at Pattukottai, at that time, the accused persons intercepted them, abused and assaulted the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.242 of 2009, after investigation, final report filed, the same taken cognizance in S.C.No.204 of 2017 by the learned Subordinate Judge, Pattukottai, Thanjavur District, for the offences under Sections 147, 148, 364, 294(b), 324 and 307 of IPC @



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into 120(b), 147, 148, 364, 294(b), 324 and 307 of IPC r/w 149 of IPC., against the petitioners. He further submitted that there are totally 12 accused in this case and most of the accused persons remained absent in the Court proceedings and hence, their case was split up from the petitioners's case in P.R.c.No.59 of 2017, P.R.c.No.30 of 2023 and P.R.C.No.13 of 2024. Except the petitioners' case, the case of the other accused persons are pending in P.R.C stage and their cases are not committed to Court of Sessions.

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 petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.S.Udayan, Head Constable, Madukkur Police Station, Thanjavur District, as well as by the learned counsels appearing for the



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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 147, 148, 364, 294(b), 324 and 307 of IPC @ into 120(b), 147, 148, 364, 294(b), 324 and 307 of IPC r/w 149 of 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 S.C.No.204 of 2017 as against the petitioners pending before the learned Subordinate Judge, Pattukottai, Thanjavur District, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.204 of 2017 on the file of the learned Subordinate Judge, Pattukottai, Thanjavur District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

30.01.2025

NCC : Yes / No

Index : Yes / No

Rmk

To

- 1.The Subordinate Judge, Pattukottai, Thanjavur District.
- 2.The Inspector of Police,
Madukkur Police Station,
Thanjavur 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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