



Crl.O.P.(MD)No.1790 of 2025

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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.1790 of 2025
and Crl.M.P(MD).No.1227 of 2025

1.P.Sundarraaj
2.S.Srinivasan
3.S.Rajkumar
4.S.Anand
5.B.Dharsan
6.R.Rajesh
7.V.Senthilkumar
8.G.Dhinesh
9.G.Sureshkumar
10.Santhoshkumar
11.V.Kathirbala(minor)
rep., through his father Velmurugan

... Petitioners

Vs.

1.The State of Tamil nadu,
rep., by The Inspector of Police,
Somarasampet Police Station,
Trichy.
Crime No.276 of 2024

2.R.Premalatha
3.Maniraj
4.Satheesh

... Respondents



Crl.O.P.(MD)No.1790 of 2025

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in FIR in Crime No.276 of 2024 dated 01.11.2024 on the file of the first respondent police and quash the same.

For Petitioners	: Mr.B.Dharmadurai
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate(Crl.Side)
For R2 to R4	: Mr.M.Murugesan

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.276 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the third respondent, who is nephew of defacto complainant, burst the crackers, at that time, the accused persons scolded the third respondent and told to stop bursting crackers. When the same was questioned by the defacto complainant, there was wordy quarrel between the defacto complainant and the accused persons. In the meanwhile, the third and fourth respondent tried to convinced them, at that time, the accused persons assaulted them and thereby, they sustained injuries. Hence, the complaint.



Crl.O.P.(MD)No.1790 of 2025

WEB COPY

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.276 of 2024, dated 01.11.2024 for the offences under Sections 191(2), 296(b) and 115(2) of BNS, 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 25.01.2025, has been filed before this Court, which has been signed by the petitioners and the respondents 2 to 4 and also by their respective counsel. The petitioners and the respondents 2 to 4 were also present in person before this Court and they were identified by Mr.G.Sakthivel, Head Constable, Somarasan Pettai Police Station, Trichy City, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and



Crl.O.P.(MD)No.1790 of 2025

was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 191(2), 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)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 Crime No.276 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD)No.1790 of 2025

WEB COPY

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.276 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 25.01.2025, shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

30.01.2025

NCC : Yes / No

Index : Yes / No

Rmk

To

- 1.The Inspector of Police,
Somarasampet Police Station,
Trichy.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1790 of 2025

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.1790 of 2025

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