



Crl.O.P.(MD)No.1848 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.1848 of 2025

Syed Ali Fathima

... Petitioner

Vs.

1.The State of Tamil Nadu,
by the Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.

2.Jannath

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records pertaining to CC.No.168 of 2020 on the file of the
learned Judicial Magistrate No.III, Tirunelveli and quash the same.

For Petitioners : Mr.T.Leninkumar

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

For R2 : Mr.D.Venkatesh



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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.168 of 2020 on the file of the learned Judicial Magistrate III, Tirunelveli, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that on 21.08.2019 at about 07.30 am., when the second respondent was fetching water from the public pipeline near her house, the petitioner came out from her house, abused the second respondent/defacto complainant as if she was fetching much water and also assault her. 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.314 of 2019, after investigation, final report filed, the same taken cognizance in C.C.No.168 of 2020 by the learned Judicial Magistrate III, Tirunelveli, for the offences under Sections 294(b) and 325 of IPC, 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.Sorimuthupandian, SI of Police, Thalaiyuthu 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 294(b) and 325 of IPC.



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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.168 of 2020 as against the petitioner pending before the learned Judicial Magistrate III, Tirunelveli, 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.168 of 2020 on the file of the learned Judicial Magistrate III, Tirunelveli, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

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NCC : Yes / No
Index : Yes / No
Rmk



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- 1.The Judicial Magistrate III, Tirunelveli.
- 2.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli 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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