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Crl.O.P.(MD)No.2028 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.2028 of 2025

Rajapandi

... Petitioner

Vs

1. The State of Tamil Nadu Rep. By
The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
(Crime No. 3 of 2025)

2. Veeranan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the FIR in Crime No. 3 of 2025 dated 04.01.2025 on the file of the Inspector of Police, Thiruppathur Town Police Station, Sivagangai District herein as against the Petitioner herein.

For Petitioner : M/s.R.Ilayaraja

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

For Respondents 2 : Mr.B.Senthilnathan



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.3 of 2025 on the file of the first respondent Police.

2. The case of the prosecution is that on 04.01.2025 at about 06.30 p.m., the petitioner, who is the son of the defacto complainant came in an inebriated condition and picked up a quarrel with the defacto complainant, assaulted him with wooden log. Hence this present case lodged by the defacto complainant, who is the father of the accused.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.3 of 2025, for the offences under Sections 296(b), 118(2), 351(3) of BNS, 2023 against the petitioner.

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.

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5. A Joint Memo of Compromise, dated 29.01.2025, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.J.Mari Muthu, SSI of Police, Thiruppathur Town Police Station, Sivagangai as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The defacto complainant has also received the compensation amount from the petitioner.

6. In the instant case, the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 296(b), 118(2), 351(3) of BNS, 2023.

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



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(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.3 of 2025, pending before the first respondent Police, even though, the offence involved is not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.3 of 2025, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

31.01.2025

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

To

1. The Inspector of Police,
Thiruppathur Town Police Station, Sivagangai District.

2.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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