



CRL.OP(MD) NO.2495 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.2495 of 2025

and CRL. MP(MD)No.1714 of 2025

1.Poongodi,
2.Bensam,
3.Bright Raja.

... Petitioner/Accused Nos.1 to 3

vs.

1.The State
rep. by the Inspector of Police,
Koodankulam Police Station,
Tirunelveli.
(Cr.No.135 of 2019)

2.Durai

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records pertaining
to S.C.No.653 of 2023 on the file of the Assistant Sessions Court,
Valliyoor and quash the same.

For petitioners : Mr.K.Rajeshwaran

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side) for R1
Mr.N.Sathishwaran for R2



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ORDER

This petition has been filed by the petitioners to call for the records pertaining to S.C.No.653 of 2023, on the file of the Assistant Sessions Court, Valliyoor and quash the same.

2. According to the petitioner, the petitioners and defacto complainant are neighbours. Based on the complaint given by the second respondent/defacto complainant, the police has registered FIR in Cr.No. 135 of 2019 for the offences under Sections 174 of Cr.P.C. and 194(b), 323, 506(2) and 306 of IPC.

3. When the matter was taken up for hearing, the learned counsel on both sides represented that during pendency of the case in S.C.No.653 of 2023, the matter has been amicably settled between the parties and they have entered into a compromise and the same was filed before this Court.

4. Today, the defacto-complainant and all the accused are present. The defacto complainant is now affected by stroke and unable to speak



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well. But, the wife of the defacto complainant also accompanied with him and explained about the terms of the compromise. This Court has also questioned the defacto complainant. To some extent, he can able to answer with the help of his wife. This Court ascertained that the matter has been amicably settled between the parties. A compromise memo, dated 12.02.2025, signed by the petitioners and their respective counsels and also thumb impression of the defacto complainant, is also filed before this Court.

5. This Court has perused the terms of the compromise memo.

6. Even according to the prosecution case on merits, there are some dispute in respect of barking of dog and thereby, wordy quarrel arose between them and due to that, the deceased consumed poison. Therefore, there are no ingredients to constitute the offence under Section 306 of IPC. Merely, because of some wordy altercation between the parties, thereby, the deceased consumed poison, it will not amount to abetment of commit suicide and does not constitute the offence under Section 306 of IPC. As far as other offences are concerned, the offences are not serious in nature.



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WEB COPY 7. Considering the nature of the offences and considering the facts that the parties are neighbours and they have also entered into a compromise, it is appropriate to allow this petition.

8. Recording the said compromise memo, this petition is allowed and S.C.No.653 of 2023, on the file of the Assistant Sessions Court, Valliyoor, is quashed. The compromise memo dated 12.02.2025 filed by the parties shall form part of this order. Consequently, connected miscellaneous petition is closed.

18.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To
1.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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