



Crl.O.P(MD)No.4976 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.4976 of 2025

Avinash @ Abinash

..Petitioner

.VS.

1. The Inspector of Police
Paramakudi Town Police Station
Ramanathapuram District

2. P.Sikkandhar

...Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records relating to the impugned FIR dated 15.07.2017 and alteration report dated 19.07.2017 in Crime No.431 of 2017 on the file of the first respondent police and quash them as illegal.

For petitioner :Mr.K.Saravanan

For R1 : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl side)

For R2 & R3 : Mr.Manindernath



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ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.431 of 2017 registered on the file of the first respondent police for the offences under Sections 279 and 337 of IPC @ 279 and 304(A) of IPC.

2. When the matter is taken up for hearing today, the learned counsels 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.431 of 2017, for the offences under Sections 279 and 337 of IPC @ 279 and 304(A) of IPC against the petitioner.

3. 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.

4. A Joint Memo of Compromise, dated 17.03.2025, has been filed before this Court, which has been signed by the petitioner and the second



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respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by the respondent police, 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.

5. In the instant case, allegations are in respect of gross negligence in construction of building. Even as per the First Information Report due to rash and negligent driving the occurrence had happened. There is no direct nexus to the petitioner with this incident. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 279 and 304(A) of IPC.

6. 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.



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7. 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.431 of 2017, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.431 of 2017 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 17.03.2025 shall form part and parcel of this order.

09.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
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1. The Inspector of Police
Paramakudi Town Police Station
Ramanathapuram District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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