



Crl.O.P.(MD)No.13014 of 2024

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.13014 of 2024

Maheshwaran

... Petitioner

Vs.

1.The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.333 of 2024

2.Shanmugavalli

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the FIR in Crime No.333 of 2024 on the file of the first respondent police station and quash the same in respect of the petitioner/sole accused.

For Petitioner : Mr.A.Joseph Jerry

For R1 : Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side) \

For R2 : Mr.T.Gopalakrishnan



Crl.O.P.(MD)No.13014 of 2024

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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.333 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioner and the second respondent are husband and wife. There was misunderstanding between them and thereby, the defacto complainant went to her parental house and thereby, petitioner threatened and assaulted the defacto complainant to come back to matrimonial home. Hence, the complaint.

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.333 of 2024, dated 11.06.2024 for the offences under Sections 294(b), 324 and 506(2) of IPC against the petitioner.



Crl.O.P.(MD)No.13014 of 2024

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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 29.08.2024, 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.Muthusamy, SSI of Police, Natham Police Station, 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.

6. In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 294(b), 324 and 506(2) of IPC.



Crl.O.P.(MD)No.13014 of 2024

WEB COPY

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.333 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.333 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 29.08.2024, shall form part and parcel of this order.

30.01.2025

(2/2)

NCC : Yes / No
Index : Yes / No
Rmk



Crl.O.P.(MD)No.13014 of 2024

WEB COPY

To

- 1.The Inspector of Police,
Natham Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.13014 of 2024

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.13014 of 2024

30.01.2025
(2/2)