



Crl.O.P.(MD)No.14838 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.14838 of 2024
and Crl.M.P(MD) No.9298 of 2024

1. Esakkimuthu
2. Kaliraj
3. Maheshraj
4. Mahesh

... Petitioners

Vs

1. The State of Tamilnadu
The Inspector of Police Courtallam
Police Station Tenkasi District.
(Crime No.205/2023).

2. Maridurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in S.T.C.No.810 of 2023 on the file of the Judicial Magistrate, Sengottai and quash the same as illegal.



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For Petitioners : M/s. R.Jagadeeswaran

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

M/s. A.Balaji (R2)

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in S.T.C.No.810 of 2023 on the file of the Judicial Magistrate, Sengottai.

2. The case of the prosecution is that due to previous enmity on 08.07.2023 at about 02.00p.m, in an inebriated condition the accused persons abused the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.205 of 2023. After investigation, a final report has been filed and the same was taken cognizance in S.T.C.No.810 of 2023 on the file of the Judicial



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Magistrate, Sengottai, for the offences under Section 294(b) IPC, against the petitioners.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves, for the reason that sudden wordy quarrel led to exchange of blows. Now, both realized their mistakes, reconciled and second respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 20.01.2025 is filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent are present before this Court, identified by Mr.A.Perumal, SSI, Courtallam Police Station, Tenkasi District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.



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6. In the instant case, the dispute is of personal in nature arisen out of wordy quarrel and the sudden quarrel led to exchange of blows and the parties had compromised. When the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Section 294(b) IPC.

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* was 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 S.T.C.No.810 of 2023 as against the petitioners pending before the Judicial Magistrate, Sengottai, even though the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.810 of 2023, on the file of the Judicial



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Magistrate, Sengottai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

28.01.2025

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Judicial Magistrate, Sengottai.
2. The Inspector of Police, Courtallam
Police Station Tenkasi District.
(Crime No.205/2023).
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.14838 of 2024
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28.01.2025