



Crl.O.P(MD)No.14809 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.14809 of 2024

1. Thenmozhi
2. Kannan

..Petitioners

.VS.

1. The Inspector of Police
Sellur Police Station
Madurai District

2. Muthumari
3.Ganesan

...Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records pertaining to the proceedings in Crime No.638 of 2023 on the file of the Inspector of Police, Sellur Police Station, Madurai District and quash the same as against the petitioners alone.

For petitioner	:Mr.M.Jegadeesh Pandian
For R1	: Mr. M.Vaikkam Karunanithi Government Advocate (Crl side)
For R2 & R3	: Mr.B.Yeswanathan



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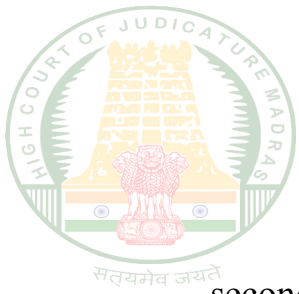
ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.638 of 2023 registered on the file of the Inspector of Police, Sellur Police Station for the offences under Sections 336 and 304(2) of IPC.

2. When the matter is taken up for hearing today, the learned counsels appearing for the petitioners 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.638 of 2023, for the offences under Sections 336 and 304(2) of IPC against the petitioners.

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 13.08.2024, has been filed before this Court, which has been signed by the petitioners and the



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second 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 collapse of building the occurrence had happened. After registration of the First Information Report compensation was also paid to the legal heirs of the deceased. 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 336 and 304(2) 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



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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.

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.638 of 2023, 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. 638 of 2023 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 13.08.2024 shall form part and parcel of this order.

24.03.2025

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



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P.DHANABAL, J.

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