



Crl.O.P.(MD)No.18580 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18580 of 2024
and Crl.M.P(MD) No.11545 of 2024

1. S.Suryakumar
2. P.Sendrayaperumal
3. M.Kanageeswari
4. S.Madhankumar
5. M.Vishnu

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by the Deputy Superintendent of
Police, O/o the Deputy Superintendent
of Police, Dindigul District, Dindigul.
2. The Inspector of Police,
Thandikudi Police Station, Dindigul
District. Crime No. 185/2024.
3. M.Thangaraj

... Respondents



Crl.O.P.(MD)No.18580 of 2024

WEB COPY

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the First Information Report in Crime No. 185/2024, dated 04.09.2024 on the file of the 2nd respondent police for the offences U/s.191(2), 296(b), 115(2), 118(1) 351(3) of BNS, Section 4 of TNPHW Act, 2002, Section 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) of SC/ST (Prevention of Atrocities) Act, 1989 within a time frame that may stipulated by this Court.

For Petitioners : Mr.S.Lawrence Vimal Raj

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R2 : Mr.R.Karthick

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.185 of 2024 on the file of the second respondent Police.

2. The case of the prosecution is that due to previous enmity on 01.09.2024 during the function, there was a wordy quarrel between the parties, due to which, both the parties abused and assaulted each other. Hence, the respondent Police has registered a case and case in counter.



Crl.O.P.(MD)No.18580 of 2024

WEB COPY

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the second respondent Police and on that basis, F.I.R. came to be registered in Crime No.185 of 2024, dated 04.09.2024 for the offences under Sections 191(2), 296(b), 115(2), 118(1) 351(3) of BNS, Section 4 of TNPHW Act, 2002, Section 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) of SC/ST (Prevention of Atrocities) Act, 1989 against the petitioners.

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 16.12.2024, has been filed before this Court, which has been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by Mr.A.Jeyakumar, SSI, Thandikudi Police Station, Dindigul District, as well as by the learned counsels appearing



Crl.O.P.(MD)No.18580 of 2024

WEB COPY

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 it is a case and case in counter. Now, in both the cases, the parties had compromised their dispute. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 191(2), 296(b), 115(2), 118(1) 351(3) of BNS, Section 4 of TNPHW Act, 2002, Section 3(1)(r), 3(1)(s), 3(2)(va), 3(1)(w)(i) of SC/ST (Prevention of Atrocities) Act, 1989.

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



Crl.O.P.(MD)No.18580 of 2024

WEB COPY

in keeping the proceedings in Crime No.185 of 2024, pending before the second 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.185 of 2024, on the file of the second respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

21.01.2025

NCC : Yes / No
Index : Yes / No
PNM

To

1. The Deputy Superintendent of
Police, O/o the Deputy Superintendent
of Police, Dindigul District, Dindigul.

2. The Inspector of Police,
Thandikudi Police Station, Dindigul
District. Crime No. 185/2024.

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



WEB COPY



Crl.O.P.(MD)No.18580 of 2024

M.NIRMAL KUMAR, J.

PNM

ORDER IN
Crl.O.P.(MD)No.18580 of 2024
and Crl.M.P(MD) No.11545 of 2024

21.01.2025