

Crl.O.P.(MD)No.18620 of 2024

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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.18620 of 2024
and Crl.M.P(MD) No.11567 of 2024

1. M.M.Thangaraj

2. T. Ramuthai

3. T. Chandrasekar

4. R. Senthilkumar

5. P. Vijayan

... Petitioners

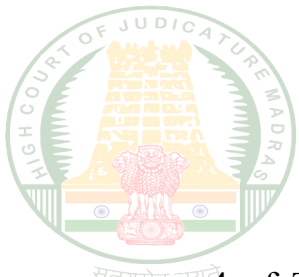
Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Thandikudi Police Station,
Dindigul District.
Crime No. 186/2024.

2. S. Kanageeswari

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to to call for the records pertaining to the FIR in Crime No. 186 of 2024 dt. 04.09.2024 on the file of the 1st respondent police for the offences u/s 191(2). 296(b), 115(2), 118(1), 351(2), 351(3) of BNS Act 2023 section



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4 of TNPHW, 2002, within a time frame that may stipulated by this Court.

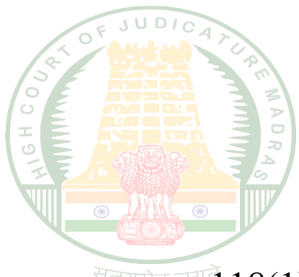
For Petitioners : Mr.R.Karthic Rajan
For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
For R2 : Mr.S.Lawrence Vimal Raj

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.186 of 2024 on the file of the first 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 parties abused and assaulted each other. Hence, the respondent Police has registered a case and case in counter.

3. When the matter is taken up for hearing today, the learned counsel 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.186 of 2024, dated 04.09.2024 for the offences under Sections 191(2), 296(b), 115(2),



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118(1) 351(3) of BNS, Section 4 of TNPHW Act, 2002, 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 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 Mr.A.Jeyakumar, SSI, Thandikudi Police Station, Dindigul District, 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 it is a case and case in counter. Now, in both the cases, the parties had



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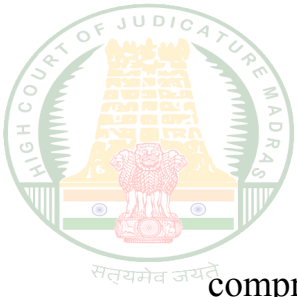
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compromised their dispute. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 191(2), 296(b), 115(2), 118(1) 351(3) of BNS, Section 4 of TNPHW Act, 2002.

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.186 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.186 of 2024, on the file of the first respondent Police, is quashed and the terms of joint



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compromise memo, shall form part and parcel of this order.

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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.



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M.NIRMAL KUMAR, J.

PNM

ORDER IN
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