



Crl.O.P.(MD)No.14873 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.14873 of 2025

1. Mohamed Diwan @ Mohamed Divan
2. Irbanul Hak @ Irfanul Hack
3. Mohamed Asaraf @ Mohamed Ash ... Petitioners
Vs.

1.The State of Tamil Nadu,
represented by the Inspector of Police,
Tenkasi Police Station,
Tenkasi.
(In Crime No.433/2025).

2.Abubakker Sithik ...Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of impugned FIR in Crime No.433 of 2025 on the file of the Respondent No.1 Police Station and quash the same as illegal as against the petitioners.

For Petitioners : Mr.A.Abdulkabur
For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R2 : Mr.O.Alubu



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ORDER

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This petition has been filed to quash the FIR in Crime No.433 of 2025 on the file of the first respondent for the alleged offences under Section 296(b), 115(2) and 351(3) of BNS, 2023 and Section 4 of Prohibition of Harassment of Women Act, 2002.

2. The allegation made in the First Information Report is that on 05.06.2025, on account of an earlier dispute, the petitioners attacked the defacto complainant / second respondent, his wife and mother, abused them in filthy language, threatened them with dire consequences and thus committed the aforesaid offence.

3. Admittedly, in respect of the same incident, the second respondent had lodged another complaint, which was registered in Crime No.432 of 2025. Now the parties have entered into a compromise and decided to give a quietus to the entire dispute. The parties have filed a joint compromise memo, dated 09.09.2025 and the scanned copy of the compromise memo reads as follows:



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Clean copy

**IN THE HIGH COURT OF JUDICATURE MADRAS
AT MADURAI BENCH
(Criminal Original Jurisdiction)**

Crl.OP.(MD).No. of 2025

-In-

Crime No. 433 of 2025

(On the file of the Respondent No.1 Police Station)

1. Mohamed Diwan @ Mohamed Divan (59/25),

S/o. Mydeen Ahamed Sha,
104 A, Sonapuram Street,
Tenkasi - 627 811.

2. Irbanul Hak @ Irfanul Hack (29/25),

S/o. Mohamed Divan,
104 A, Sonapuram Street,
Tenkasi - 627 811.

3. Mohamed Asaraf @ Mohamed Ashraff (24/25),

S/o. Mohamed Divan,
104 A, Sonapuram Street,
Tenkasi - 627 811.

...Petitioners /Accused Nos.1 to 3

-Vs-

1. The State represented through the Inspector of Police,

Tenkasi Police Station,
Tenkasi.

(In Crime No. 433 of 2025)

.... Respondent/ Complainant

2. Mr. Abubakker Sithik,

S/o. Diwan Mydeen,
79, Pudumanai 1st Street,
Tenkasi.

.... Respondent / Defacto complainant

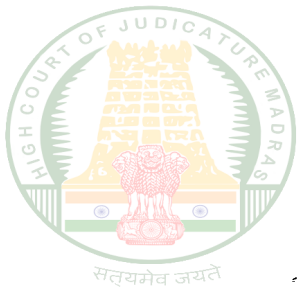
Petitioners

Respondent No.2

1. *Mohamed Diwan*
2. *Irfanul Hack*
3. *Mohamed Ashraff*

X. *[Signature]*

JOINT MEMO FOR COMPROMISE



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1. It is submitted that the Petitioners prefer this memorandum of Criminal Original Petition for quash and praying that this Hon'ble Court may be pleased to call for the records of impugned First Information Report in Crime No. 433 of 2025 on the file the Respondent No.1 Police Station and quash the same as illegal. Since due to civil dispute between the Petitioners and the Respondent No.2 this case has been registered as counter case and now the Petitioners and the Respondent No.2 proposed to compromise and settled their disputes with amicably before their elders and family members and the Respondent No.2 is not willing to prosecute the case as against the petitioner.
2. It is submitted that the prosecution case is that on 08.06.2025 at about 08.30 AM the Respondent No.1 perused the CSR No.840 of 2025 dated 05.06.2025 which was given for the complaint of the Respondent No.2 who admitted as inpatient, wherein he stated in his complaint as he is residing in the above said address. He got married and having a son and a daughter. He is running a readymade shop in the name and style of 'Trendy' in Madurai. He is renovating his house which is situated in the above said address and he installed Palm sticks in the back side of his house in order to prevent the sand slides. On 05.06.2025 at about 05.00PM the Petitioner removed said Palm sticks by noticing the same the Respondent No.2, his wife and mother questioned the same.

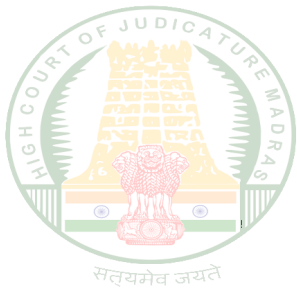
Petitioners

1. *C. B. Lakshmi*
2. *[Signature]*
- 3.

Respondent No.2

x. *[Signature]*

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At the time the Petitioner abused them with filthy language and the Respondent No.2 warned them. Immediately the Petitioner No.1 tried to assault the Respondent No.2 with hoe but he escaped and then the Petitioner No.2 strangled and pushed down him, then all the petitioners kicked in his abdomen and the mason secured the Respondent No.2 from the Petitioners at the time they were criminally intimidated him with dire consequences. Then the Respondent No.2 was hospitalized in Thenkasi Government Hospital. In this regard the Respondent No.1 has registered a case in Crime No.433 of 2025 for the alleged offence under section 296(b), 115(2), 351(3) of The Bharariya Nyaya Sanhita 2023 and section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002.

3. It is submitted that in fact there is a civil dispute pending between the Petitioners family and the Respondent No.2's family, in such circumstances the Respondent No.2 installed Palm sticks in the Petitioners land, it was questioned by the Petitioner No.1's mother as well as the Petitioner Nos.2 & 3's grandmother namely Mrs.Mydeen Fathim at the time the Respondent No.2 abused her with filthy language and assaulted her, in this regard she lodged a complaint as against the Respondent No.2 and a case in Crime No.432 of 2025 for the offences under sections 296(b), 115(2), 351(3) of The Bharariya Nyaya Sanhita 2023 and section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 was registered.

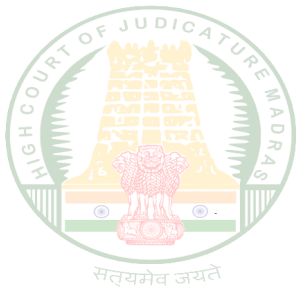
Petitioners

- 1.
- 2.
- 3.

Respondent No.2

X.

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In order escape from his criminal liability the Respondent No.2 foisted a false case and this present case came to be registered as counter blast.

4. It is submitted that the at this juncture the Petitioners and the Respondent No.2 were settled their disputes amicably before their elders and family members and the Respondent No.2 do not want to continue the criminal proceedings against the Petitioners.
5. It is submitted that in these circumstances the petitioners are having no other alternative effective and efficacious remedy except to approach this Hon'ble court by invoking the inherent power of this Hon'ble Court conferred under section 528 of BNSS to quash the impugned First Information Report in Crime No. 433 of 2025 on the file of the Respondent No.1 Police Station.

Therefore it is most respectfully prayed that this Hon'ble Court may be pleased to record this compromise memo and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstance of the case and thus render Justice.

Dated at Madurai on this day of June 2025

Petitioners

- 1.
- 2.
- 3.

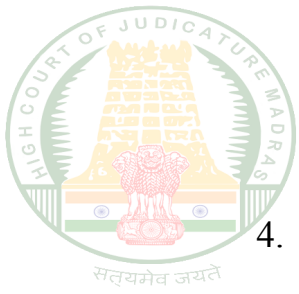
Respondent No.2

x.

Counsel for the Petitioners

Counsel for the Respondent No.2

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4. The petitioners (1.Mohamed Divan – Aadhar No.630226697216, 2.Irfanul Hack – Aadhar No.629009992888, 3.Mohamed Ashraf - Aadhar No. 669287298247) and the second respondent (Abubakkar Sithik – Aadhar No. 659269025782) are present before this Court in person. They are identified by Mr.P.Ponnusamy, Special Sub Inspector of Police, Tenkasi Police Station, Tenkasi District. All the parties confirmed the compromise arrived at between them.

5. In view of the same and considering the nature of the offences and the relationship between the parties, this Court is of the view that no useful purpose would be served by keeping the impugned FIR pending investigation. Accordingly, the impugned FIR in Crime No.433 of 2025 dated 08.06.2025 is quashed and the Criminal Original Petition stands allowed.

10.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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- To
- 1.The Inspector of Police,
Tenkasi Police Station,
Tenkasi.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu

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10.09.2025