



Crl.O.P.(MD)No.20972 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20972 of 2024

Sreeganesh

... Petitioner

Vs.

1. State rep., by
The Inspector of Police
Peravurani Police Station,
Thanjavur District.
Crime No.229 of 2024

2.Veeraiyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the FIR in Crime No.229 of 2024 dated 19.09.2024 on the file of the first respondent police quash the same as against the petitioner/sole accused.

For Petitioners	: Mr.P.Mani Anandh
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate(Crl.Side)
For R2	: Mr.C.Susikumar

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.229 of 2024 on the file of the first respondent Police.



Crl.O.P.(MD)No.20972 of 2024

2. The case of the prosecution is that the second respondent had two brothers namely Iyyasamy and Rengasamy. His younger brother, namely, Rengasamy got mental retired person. On 19.09.2024, the second respondent along with his younger brother went for gracing goat and thereafter, one goat was missing. To find the same, his younger brother had gone. Thereafter, information was received from one Ganesan that the second respondent's younger brother met with an accident near V.S.Moorthi's house. Immediately, the second respondent rushed to the spot and found his brother was dead. Thereafter, he came to know that the petitioner, who drove the vehicle in rash and negligent manner and hit against the second respondent's brother. Hence, case was registered.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.229 of 2024, dated 19.09.2024 for the offence under Section 106(1) of BNS Act, 2023, against the petitioner.



Crl.O.P.(MD)No.20972 of 2024

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 --.12.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.T.Jeevanandham, SI of Police, Peravurani Police Station, 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, where the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Section 106(1) of BNS Act.

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.



Crl.O.P.(MD)No.20972 of 2024

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.229 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.229 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated --.12.2024, shall form part and parcel of this order.

09.01.2025

NCC : Yes / No

Index : Yes / No

Rmk

To

- 1.The Inspector of Police
Peravurani Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.20972 of 2024

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.20972 of 2024

09.01.2025